

SUPREME COURT OF ARKANSAS

Greg Hogue v. State of Arkansas

Hogue, 2026 Ark. 83 (Ark. 2026) · No. CR-25-575 · Decided April 23, 2026

SUMMARY

The Supreme Court of Arkansas affirmed the denial of Greg Hogue’s petition to correct an illegal sentence and denied his motion for appointment of counsel and oral argument. The court held that his constitutional challenge to a life-without-parole sentence imposed for a capital murder committed at age eighteen was not cognizable in an illegal-sentence proceeding and, alternatively, that Arkansas’s Constitution did not require extending *Miller v. Alabama* to eighteen-year-old offenders.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Nicholas J. Bronni; Baker, C.J.; Hudson, J.; Wood, J.
JURISDICTION	Supreme Court of Arkansas
DECIDED	April 23, 2026
DOCKET	CR-25-575
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Pulaski County Circuit Court's denial of a petition to correct an illegal sentence; appellant also moved for appointment of counsel and oral argument.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Greg Hogue v. State of Arkansas

TOPICS

- cruel and unusual punishment
- sentencing
- state post-conviction relief
- habeas corpus
- criminal procedure

PRACTICE AREAS

- criminal law
- constitutional law
- post-conviction relief

QUESTIONS PRESENTED

1. Whether Hogue's constitutional challenge to his life-without-parole sentence was cognizable in a petition to correct an illegal sentence.

2. Whether the Arkansas Constitution requires extending *Miller v. Alabama*'s protections to an offender who was eighteen when he committed capital murder.
3. Whether Hogue was entitled to appointment of counsel or oral argument.

HOLDINGS

1. A constitutional challenge to a life-without-parole sentence is not cognizable in a petition to correct an illegal sentence when the sentence was within the permitted statutory range and the circuit court had jurisdiction; such a claim is better suited for a habeas proceeding.
2. The Arkansas Constitution does not require a categorical extension of *Miller v. Alabama*'s protections to an offender who was eighteen when the offense was committed, and Hogue's sentence therefore could not be invalidated on that basis.
3. The motion for appointment of counsel and oral argument was denied.

KEY QUOTATIONS

“Illegal sentences exist only when a defendant receives a sentence outside the permitted statutory range or when the circuit court acts without jurisdiction.” (2026 Ark. 83, at 1)

*“So that data is not a basis for extending *Miller*’s holding, and we reaffirm our previous refusal to extend *Miller*.”* (2026 Ark. 83, at 1)

*“The *Miller* court “require[s] [the sentencer] to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.””* (2026 Ark. 83, at 3)

FACTUAL BACKGROUND

Hogue committed capital murder when he was eighteen years old and received a sentence of life imprisonment without parole. He argued that the sentence violated article 2, section 9 of the Arkansas Constitution and asked the court to extend the protections of *Miller v. Alabama* to eighteen-year-old offenders. The court relied on the fact that Hogue's sentence was within the permitted statutory range and that the circuit court had jurisdiction.

PROCEDURAL HISTORY

Hogue was convicted of capital murder and received a sentence of life imprisonment without parole. He petitioned the Pulaski County Circuit Court to correct the sentence, arguing that applying life without parole to an offender who was eighteen at the time of the offense violated the Arkansas Constitution's prohibition against cruel or unusual punishment. The circuit court denied the petition, and the Supreme Court of Arkansas affirmed and denied Hogue's motion for appointment of counsel and oral argument.

DISPOSITION

affirmed

CASES CITED

- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460 (2012)
- Mister v. State, 2022 Ark. 35, 639 S.W.3d 331 (2022)
- Hobbs v. Gordon, 2014 Ark. 225, 434 S.W.3d 364 (2014)
- Kelley v. Johnson, 2016 Ark. 268, 496 S.W.3d 346 (2016)
- Gamble v. State, 2026 Ark. 44
- People v. Taylor, ___ N.W.3d ___, ___, 2025 WL 1085247, at *5 (Mich. 2025)
- Gibbs v. Payne, 2023 Ark. 29, 660 S.W.3d 579 (2023)
- Benton v. Kelley, 2020 Ark. 237, 602 S.W.3d 96 (2020)
- Burgie v. State, 2019 Ark. 185, 575 S.W.3d 127 (2019)

OPINION

Greg Hogue v. State of Arkansas

2026 Ark. 83

PER CURIAM.

Cite as 2026 Ark. 83

SUPREME COURT OF ARKANSAS

No. CR-25-575 Opinion Delivered: April 23, 2026

GREG HOGUE

APPELLANT PRO SE APPEAL FROM THE

PULASKI COUNTY CIRCUIT

COURT, SIXTEENTH DIVISION; V.

MOTION FOR APPOINTMENT OF

COUNSEL AND FOR ORAL

STATE OF ARKANSAS ARGUMENT

APPELLEE [NO. 60CR-94-904]

HONORABLE KAREN D.

WHATLEY, JUDGE

AFFIRMED; MOTION DENIED. NICHOLAS J. BRONNI, Associate Justice Greg Hogue appeals the circuit court’s denial of his petition to correct an illegal sentence, arguing that his sentence for life in prison without parole violates Arkansas’s constitutional prohibition against cruel or unusual punishments. See Ark. Const. art. 2, § 9. Hogue acknowledges that—because he was eighteen when he committed capital murder—he cannot rely on the Supreme Court’s decision in *Miller v. Alabama*, which created an Eighth Amendment prohibition on mandatory life sentences for juveniles. 567 U.S. 460, 465 (2012). Instead, he asks the court to extend *Miller*’s protections because other jurisdictions have done so. We reject that request for two reasons. First, we have held that these types of claims are not cognizable on a petition to correct an illegal sentence. See *Mister v. State*, 2022 Ark. 35, at 7, 639 S.W.3d 331, 336 (rejecting an Eighth Amendment claim on a petition to correct an illegal sentence). Illegal sentences exist only when a

defendant receives a sentence outside the permitted statutory range or when the circuit court acts without jurisdiction. *Id.* at 5, 639 S.W.3d at 335. Hogue’s constitutional argument does not fall into either category. As such, it is better suited for a habeas proceeding. See *Hobbs v. Gordon*, 2014 Ark. 225, at 8, 434 S.W.3d 364, 369 (entertaining a Miller claim on habeas). Second, even assuming his claim was cognizable, it would still fail because nothing in the Arkansas Constitution requires a categorical expansion of Miller. On the contrary, this court has previously interpreted our constitution consistent with its federal counterpart. *Kelley v. Johnson*, 2016 Ark. 268, at 14, 496 S.W.3d 346, 357. And Hogue does not explain how textual or historical differences compel the more protective categorical rule that he seeks. See *Gamble v. State*, 2026 Ark. 44, at 11. Nor does the authority Hogue cites from other jurisdictions alter the analysis. At most, Hogue cites cases extending Miller based on data indicating that there is little neurological difference between a seventeen-year-old juvenile and an eighteen-year-old adult. See *People v. Taylor*, __ N.W.3d __, __, 2025 WL 1085247, at *5 (Mich. 2025). But that data existed at the time the Supreme Court decided Miller. See *Miller*, 567 U.S. at 472 n.5 (citing portions of an amicus brief arguing brain development continues into an individual’s twenties). So that data is not a basis for extending Miller’s holding, and we reaffirm our previous refusal to extend Miller.¹ See *Gibbs v. Payne*, 2023 Ark. 29, at 1, 660 1 Rather than compelling an expanded categorical rule, the data Hogue references suggest Miller should not have set a categorical rule prohibiting mandatory life sentences at all—arbitrarily shielding “young killers, giving them a greater chance to reform themselves at the risk that they will kill again.” *Miller*, 567 U.S. at 502 (Roberts, C.J., dissenting). Indeed, at most, Hogue’s argument merely underscores why legislatures are better equipped 2 S.W.3d 579, 581 (rejecting claim to extend Miller); *Benton v. Kelley*, 2020 Ark. 237, at 3, 602 S.W.3d 96, 98 (same); *Burgie v. State*, 2019 Ark. 185, at 3, 575 S.W.3d 127, 128 (same). Affirmed; motion denied. BAKER, C.J., and HUDSON and WOOD, JJ., concur. COURTNEY RAE HUDSON, Justice, concurring. I join the majority opinion with the exception of the footnote. It is entirely unnecessary to comment on the wisdom of the United States Supreme Court’s opinion in *Miller v. Alabama*, 567 U.S. 460 (2012), to resolve this appeal. However, as this court does delve into Miller, I feel compelled to defend that decision. The Miller court held that the Eighth Amendment forbids a sentencing scheme that mandates life in prison without the possibility of parole for juvenile homicide offenders. Citing prior juvenile cases and the fact that children are constitutionally different from adults for purposes of sentencing, the Supreme Court recognized that “youth matters in determining the appropriateness of a lifetime of incarceration without the possibility of parole.” *Miller*, 567 U.S. at 473. In fact, Miller stands for the sound proposition that juveniles should not automatically receive life without parole sentences. Miller’s holding is spot on. The majority’s concern that Miller should not have set a “categorical rule” for those under age eighteen is misplaced. Miller “does not categorically bar a penalty for a class of offenders or type of crime.” *Id.* at 483. Rather, Miller requires sentencing that contemplates individualized reflection of the juvenile’s circumstances. Judges and juries are still free to handle these complicated and

dynamic issues and that—absent constitutional text dictating otherwise—courts should defer to those decisions. See *id.* 3 sentence juvenile homicide offenders to life imprisonment after considering the facts of each individual case. The Supreme Court has merely allowed for consideration of the juvenile’s age and attendant age-related characteristics, the juvenile’s home environment, the circumstances of the homicide offense (including the extent of the juvenile’s participation in the conduct and the way familial and peer pressures may have affected him or her), and the possibility of rehabilitation. See *id.* at 477–78. The Miller court “require[s] [the sentencer] to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.” *Id.* at 480. I respectfully concur. RHONDA K. WOOD, Justice, concurring. I join the majority’s analysis and result. I concur because I would restrain from the suggestion in footnote 1 that the Supreme Court should not have reached the result in *Miller v. Alabama*, 567 U.S. 460, (2012). *Miller* doesn’t apply to *Hogue*, and we have declined requests to extend it. There is no reason to say more. Greg Hogue, pro se appellant. Tim Griffin, Att’y Gen., by: David L. Eanes, Jr., Ass’t Att’y Gen., for appellee. 4