

SUPREME COURT OF GEORGIA

Dennis v. State

300 Ga. 457 (2017) · Decided January 23, 2017

SUMMARY

The Georgia Supreme Court affirmed the resentencing of Robert James Dennis, who committed malice murder at age 17, from life without parole to life with the possibility of parole. The court held that the original sentence was void under *Miller v. Alabama* and *Montgomery v. Louisiana* because the sentencing court had not considered the required youth-related factors, and that the trial court had authority to resentence Dennis.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Presiding Justice; All the Justices
JURISDICTION	Georgia
DECIDED	January 23, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dennis appealed pro se from the trial court's order resentencing him after the State moved to amend his juvenile malice-murder sentence under <i>Miller v. Alabama</i> and <i>Montgomery v. Louisiana</i> .
STANDARD OF REVIEW	De novo review of the legal authority to resentence and the constitutionality of the sentence under the Eighth Amendment.
PRECEDENTIAL VALUE	Published Georgia Supreme Court opinion; precedential.
PARTIES	Robert James Dennis v. State

TOPICS

- sentencing
- cruel and unusual punishment
- criminal procedure
- post-conviction relief
- appellate procedure

PRACTICE AREAS

- criminal law
- constitutional law
- sentencing
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had authority to resentence Dennis after determining that his original juvenile life-without-parole sentence was void under Miller and Montgomery.
2. Whether the trial court properly reduced Dennis's sentence for malice murder from life without the possibility of parole to life with the possibility of parole.

HOLDINGS

1. A life-without-the-possibility-of-parole sentence imposed on a juvenile without the sentencing court's consideration of the Miller and Montgomery factors is void and may be challenged on Eighth Amendment grounds at any time.
2. Because Dennis's original sentence was void, the trial court had authority to resentence him at any time in accordance with Miller and Montgomery.
3. The trial court properly resentedenced Dennis to life imprisonment with the possibility of parole for the juvenile malice murder.

KEY QUOTATIONS

“A sentence imposed in violation of th[e] substantive rule [created by Miller, supra] — that is, a[] [life-without-the-possibility-of-parole] sentence imposed on a juvenile who is not properly determined to be in the very small class of juveniles for whom such a sentence may be deemed constitutionally proportionate — “is not just erroneous but contrary to law and, as a result, void.”” (458)

“A hearing where “youth and its attendant characteristics” are considered as sentencing factors is necessary to separate those juveniles who may be sentenced to life without parole from those who may not.” (458)

FACTUAL BACKGROUND

Dennis was 17 when he committed the malice murder for which he pleaded guilty and was sentenced in 1998 to life without the possibility of parole. The original sentencing record did not show that the court considered the youth-related factors required by Miller and Montgomery before imposing juvenile life without parole.

PROCEDURAL HISTORY

Dennis pleaded guilty in 1998 to malice murder and other charges arising from a 1997 shooting death and received life imprisonment without the possibility of parole for malice murder. In 2015, the State moved to amend the sentence based on Miller and Montgomery. Following a December 9, 2015 resentencing hearing, the trial court reduced the sentence to life with the possibility of parole. The Supreme Court of Georgia affirmed.

DISPOSITION

affirmed

CASES CITED

- Miller v. Alabama, Miller v. Alabama, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012)
- Montgomery v. Louisiana, 577 U.S. 190, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016)

- Veal v. State, 298 Ga. 691, 784 S.E.2d 403 (2016)
- Crumbley v. State, 261 Ga. 610, 409 S.E.2d 517 (1991)
- Williams v. State, 271 Ga. 686, 523 S.E.2d 857 (1999)
- State v. Barrow, 332 Ga. App. 353, 772 S.E.2d 802 (2015)

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