

SUPREME COURT OF MISSISSIPPI

Brett Jones v. State of Mississippi

Brett Jones v. State of Mississippi · No. 2009-CT-02033-SCT · Decided November 19, 2009

SUMMARY

The Mississippi Supreme Court considered whether *Miller v. Alabama* applies retroactively on collateral review to a juvenile convicted of murder and sentenced to life imprisonment. The court held that *Miller* established a new substantive rule applicable retroactively and that Jones's mandatory sentence violated the Eighth Amendment absent consideration of juvenile characteristics and circumstances. The court vacated the sentence and remanded for resentencing consistent with its decision in *Parker v. State*.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Presiding Justice; Waller, Chief Justice; Dickinson, Presiding Justice; Lamar, Justice; Pierce, Justice; Coleman, Justice; Kitchens, Justice; Chandler, Justice; King, Justice
JURISDICTION	Mississippi
DECIDED	November 19, 2009
DOCKET	2009-CT-02033-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Jones sought post-conviction relief from a life sentence imposed for a murder committed when he was fifteen. After the circuit court denied relief and the Court of Appeals affirmed, the Mississippi Supreme Court granted certiorari and considered whether <i>Miller v. Alabama</i> applies retroactively on collateral review.
STANDARD OF REVIEW	Questions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published, en banc opinion of the Supreme Court of Mississippi; precedential.
PARTIES	Brett Jones v. State of Mississippi

TOPICS

cruel and unusual punishment

sentencing

state post-conviction relief

appellate procedure

standard of review

PRACTICE AREAS

constitutional law

criminal procedure

post-conviction relief

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether *Miller v. Alabama* created a new substantive constitutional rule.
2. Whether *Miller* applies retroactively to a juvenile offender's case on collateral review.
3. Whether Jones's mandatory life sentence must be vacated and the case remanded for an individualized sentencing hearing considering the characteristics and circumstances of youth identified in *Miller*.

HOLDINGS

1. *Miller* created a new substantive rule because it prohibited the imposition of a mandatory sentence of life without parole on juvenile offenders and thereby narrowed the application of Mississippi's sentencing law to juveniles.
2. *Miller* applies retroactively to juvenile homicide cases that became final before *Miller* was decided.
3. Jones's mandatory life sentence must be vacated and the case remanded for a new sentencing hearing conducted consistently with *Miller* and *Parker*.

KEY QUOTATIONS

“that the Eighth Amendment forbids a sentencing scheme that mandates life in prison without the possibility of parole for juvenile offenders.” (¶ 5)

“Unless they fall within an exception to the general rule, new constitutional rules of criminal procedure will not be applicable to those cases which have become final before the new rules are announced.” (¶ 8)

“New substantive rules generally apply retroactively . . . because they necessarily carry a significant risk that a defendant stands convicted of an act that the law does not make criminal or faces a punishment that the law cannot impose upon him.” (¶ 9)

*“We are of the opinion that *Miller* created a new, substantive rule which should be applied retroactively to cases on collateral review.”* (¶ 18)

FACTUAL BACKGROUND

Brett Jones was convicted of stabbing his grandfather to death. He was fifteen years old when the murder occurred. Under Mississippi Code section 97-3-21, the circuit court imposed a mandatory life sentence, and Mississippi's parole statute made him ineligible for parole because he was convicted of a violent homicide offense.

PROCEDURAL HISTORY

Jones was convicted of murder and sentenced to life imprisonment in the Lee County Circuit Court. The conviction and sentence were affirmed on direct appeal. The circuit court later denied post-conviction relief, and the Court of Appeals affirmed. The Mississippi Supreme Court granted certiorari, ordered supplemental briefing concerning *Miller v. Alabama*, and limited its review to Miller's application.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate Jones's sentence and conduct a new sentencing hearing in the Lee County Circuit Court consistent with *Miller v. Alabama* and *Parker v. State*. The sentencing authority must consider the characteristics and circumstances unique to juvenile defendants; if appropriate, it may annul application of Mississippi Code section 47-7-3(1)(h) and impose life imprisonment with parole eligibility notwithstanding that provision.

CASES CITED

- *Jones v. State*, 938 So. 2d 312 (Miss. Ct. App. 2006)
- *Jones v. State*, 2011 WL 3671890 (Miss. Ct. App. Aug. 23, 2011)
- *Miller v. Alabama*, *Miller v. Alabama*, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012)
- *Jackson v. Hobbs*, 132 S. Ct. 2455 (2012)
- *Parker v. State*, 2013 WL 2436630 (Miss. June 6, 2013)
- *Lambert v. State*, 941 So. 2d 804, 807 (Miss. 2006)
- *Brown v. State*, 731 So. 2d 595, 598-599 (Miss. 1999)
- *Teague v. Lane*, 489 U.S. 288, 301, 307, 310 (1989)
- *Schiro v. Summerlin*, 542 U.S. 348, 351-352 (2004)
- *Griffith v. Kentucky*, 479 U.S. 314, 328 (1987)
- *Bousley v. United States*, 523 U.S. 614, 620-621 (1998)
- *Graham v. Florida*, *Graham v. Florida*, 560 U.S. 48 (2010)
- *J.D.B. v. North Carolina*, 564 U.S. 261 (2011)
- *Williams v. State*, 708 So. 2d 1358, 1361 (Miss. 1998)
- *Bear Cloud v. Wyoming*, 294 P.3d 36 (Wyo. 2013)
- *Parker v. State*, 30 So. 3d 1222, 1227-1228, 1235 (Miss. 2010)
- *Mitchell v. State*, 561 So. 2d 1037, 1039 (Miss. 1990)