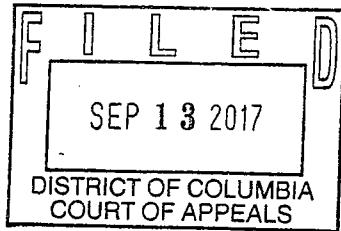


District of Columbia
Court of Appeals



Nos. 16-CO-439 & 16-CO-709

WILLIAM CLARK,

Appellant,

v.

1997 FEL 7534

UNITED STATES,

Appellee.

BEFORE: Glickman and Thompson, Associate Judges, and Farrell, Senior Judge.

JUDGMENT

On consideration of appellee's motion for summary affirmance, the opposition thereto, appellee's motion to supplement the record on appeal, appellant's brief and limited appendix, and the record on appeal; and it appearing that appellant's brief assigns no error to the trial court's ruling that is the subject of Appeal No. 16-CO-709, it is

ORDERED that appellee's motion to supplement the record on appeal is granted and the documents attached thereto are hereby filed as a supplemental record. It is

FURTHER ORDERED that appellee's motion for summary affirmance is granted. *See Watson v. United States*, 73 A.3d 130, 131 (D.C. 2013); *Oliver T. Carr Mgmt., Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979). We can discern no abuse of discretion by the trial court in denying appellant's D.C. Code § 23-110 (2012 Repl.) motion without a hearing when it ruled that *Miller v. United States*, 567 U.S. 460 (2012), did not render his sentences illegal because, as appellant concedes, he was not a juvenile when he committed the offenses. Moreover, appellant did not receive a mandatory sentence of life without parole. *See Miller*, 567 U.S. 460 (holding mandatory sentences of life without parole for those under the age of eighteen at the time of their crimes violate the Eighth Amendment); *see also Montgomery v. Louisiana*, 136 S. Ct. 718 (2016) (extending *Miller* retroactively on state collateral review); *White v. United States*, 146 A.3d 101, 109 (D.C. 2016)

("We will affirm the trial court's denial of a § 23-110 motion without a hearing . . . if the claims[,] . . . even if true, do not entitle the movant to relief." (internal quotation marks and citation omitted)); *James v. United States*, 59 A.3d 1233, 1239 (D.C. 2013) (distinguishing mandatory minimum sentences from mandatory terms of life imprisonment without parole and holding the imposition of a thirty-year mandatory minimum sentence for an execution-style murder committed when the defendant was a juvenile did not violate the Eighth Amendment); *Bradley v. United States*, 881 A.2d 640, 646 (D.C. 2005) (noting denial of a D.C. Code § 23-110 motion without a hearing is reviewed for abuse of discretion). Further, to the extent the trial court construed appellant's motion as one to reduce his sentence and denied it as untimely, we also find no abuse of discretion. *See* Super. Ct. Crim. R. 35 (b) (imposing 120-day deadline for motions to reduce sentence); *Saunders v. United States*, 975 A.2d 165, 167 (D.C. 2009) (reviewing a Rule 35 motion for an abuse of discretion). It is

FURTHER ORDERED and ADJUDGED that the orders on appeal are hereby affirmed. *See Berg v. United States*, 631 A.2d 394, 396 n.8 (D.C. 1993) (noting points not raised in briefs are treated as abandoned).

ENTERED BY DIRECTION OF THE COURT


JULIO A. CASTILLO
Clerk of the Court

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