

APPENDIX

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Supreme Court of Missouri
en banc

SC93248

State ex rel. Tyrone Desante Morant, Petitioner,
vs.
Ian Wallace, Superintendent, Respondent.

- Sustained
- Overruled
- Denied
- Taken with Case
- Sustained Until
- Other

Order issued: Petitioner's motion to recall the mandate and order of July 19, 2016, vacate petitioner's sentences and remand for a new sentence proceeding overruled.

By: 
Chief Justice

March 7, 2023
Date



Supreme Court of Missouri
en banc

SC93248

State ex rel. Tyrone DeSante Morant, Petitioner,
vs.
Ian Wallace, Superintendent, Respondent.

- Sustained
- Overruled
- Denied
- Taken with Case
- Sustained Until
- Other

Order issued: On the Court's own motion, the Court's March 15, 2016, order is vacated. The motion for rehearing is overruled as moot. The petition is denied. See Senate Bill No. 590, 98th General Assembly.

By: _____

A handwritten signature in black ink, appearing to read "Patric Brummette".

Chief Justice

July 19, 2016

Date

No. SC93248
St. Louis City Circuit Court Case No. 22951-04326B
In the Supreme Court of Missouri

May Session, 2016

State ex rel. Tyrone DeSante Morant,
Petitioner,

v. HABEAS CORPUS

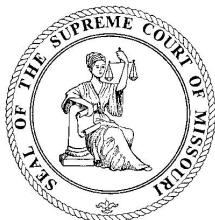
Ian Wallace, Superintendent,
Respondent.

On the Court's own motion, the Court's March 15, 2016, order is vacated. The motion for rehearing is overruled as moot. The petition is denied. See Senate Bill No. 590, 98th General Assembly.

STATE OF MISSOURI-Sct.

I, BILL L. THOMPSON, Clerk of the Supreme Court of the State of Missouri, certify that the foregoing is a full, true and complete transcript of the judgment of said Supreme Court, entered of record at the May Session thereof, 2016, and on the 19th day of July 2016, in the above entitled cause.

Given under my hand and seal of said Court, at the City of Jefferson, this 19th day of July 2016.



Bill L. Thompson, Clerk

Cynthia L. Walker, Deputy Clerk



Supreme Court of Missouri
en banc

March 15, 2016

State ex rel. Tyrone DeSante Morant,)
Petitioner,)
)
vs.) No. SC93248
)
)
Ian Wallace, Superintendent,)
Respondent.)

ORDER

WHEREAS, the United States Supreme Court issued its decision in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), holding the Eighth Amendment prohibits a juvenile from being sentenced to mandatory life without parole. The *Miller* decision explained that juveniles are inherently different from adults in maturity and culpability and that in pending and future cases a jury is required to consider certain relevant factors before imposing a sentence of life without parole on a juvenile.

WHEREAS, in accordance with *Miller*, this Court issued its opinions in *State v. Hart*, 404 S.W.3d 232 (Mo. banc 2013), and *State v. Nathan*, 404 S.W.3d 253 (Mo. banc 2013), holding that a juvenile on direct appeal that had been sentenced to mandatory life without parole must be resentenced. *Hart* required that a jury be provided the opportunity to "conduct the individualized analysis required by *Miller* and, on that basis, determine whether life without parole is a just and appropriate sentence[.]" *Hart*, 404 S.W.3d at 238-39. *Hart* and *Nathan* provided a constitutional, temporary, judicial remedy for those cases when a jury determined that life without parole was not an appropriate sentence, and that procedure shall continue to be applied to pending and future cases until such time as the Missouri General Assembly enacts a constitutional sentence for juveniles convicted of first-degree murder.

WHEREAS, the United States Supreme Court's recent decision in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), holds that the prohibition of mandatory life without parole, as established in *Miller*, now applies retroactively to those petitioners, whose convictions are final, seeking collateral review. However, *Montgomery* also explained, that its decision "does not require States to relitigate sentences, let alone convictions, in every case where a juvenile offender received mandatory life without parole." *Montgomery*, 136 S. Ct. at 736. *Montgomery* expressly states, for those cases where the conviction and life without parole sentence were final, that a State could "remedy a *Miller* violation by allowing juvenile homicide offenders to be considered for parole, rather than by resentencing them." *Id.* (citing, with approval a Wyoming statute making juveniles eligible to apply for parole after 25 years' imprisonment).

WHEREAS, the General Assembly has yet to enact a sentencing provision that is constitutionally valid in accordance with *Miller* and *Montgomery*.

WHEREAS, the Governor has yet to commute the life without parole sentence of petitioner.

NOW, THEREFORE, this Court, in order to comply with the constitutional requirements of *Miller* and *Montgomery*, hereby orders that this petition be sustained in part. This petitioner shall be eligible to apply for parole after serving 25 years' imprisonment on his sentence of life without parole unless his sentence is otherwise brought into conformity with *Miller* and *Montgomery* by action of the governor or enactment of necessary legislation. All other claims alleged in the petition and pending motions are denied without prejudice.

Day - to - Day



Patricia Breckenridge
Chief Justice

STATE OF MISSOURI – SCT.:

I, BILL L. THOMPSON, Clerk of the Supreme Court of Missouri, do hereby certify that the foregoing is a true copy of the order of said court, entered on the 15th day of March, 2016, as fully as the same appears of record in my office.

*IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of
said Supreme Court. Done at office in the City of Jefferson, State
aforesaid, this 15th day of March, 2016.*



Bill L. Thompson, Clerk

Garrison L. Tuckey, Deputy Clerk