

No.

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2025

WILLIAM SHAUN WALKER,

Petitioner,

-v-

STATE OF NORTH CAROLINA,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF NORTH CAROLINA**

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QUESTION PRESENTED FOR REVIEW

In *Miller v. Alabama*, 567 U.S. 460 (2012), this Court held that the Eighth Amendment forbids mandatory LWOP sentences for juvenile defendants convicted of first-degree murder. Later, this Court held in *Jones v. Mississippi*, 593 U.S. 98 (2021), that trial judges are not required to make a finding of irreparable corruption before imposing LWOP in *Miller* cases. However, this Court made clear that its holding in *Jones* did not involve as-applied disproportionality arguments.

After *Miller* and *Jones*, courts are fractured on how to resolve as-applied disproportionality arguments in *Miller* sentencing appeals. Some jurisdictions grant virtually unbridled discretion over the imposition of LWOP sentences. See *State v. Ramirez*, 990 N.W.2d 550 (Neb. 2023). Other jurisdictions enforce the proportionality principle at the heart of *Miller* and reverse LWOP sentences imposed in cases where the defendant is not irreparably corrupt. See *People v. Bennett*, 966 N.W.2d 768 (Mich. 2021). Some jurisdictions have developed still other approaches.

This case presents an ideal vehicle for resolving the question of how as-applied disproportionality claims in *Miller* sentencing cases should be resolved on appeal because Mr. Walker was sentenced to LWOP despite presenting voluminous evidence that he is not irreparably corrupt. This case thus presents the following question:

Whether as-applied disproportionality arguments in *Miller* sentencing cases should be resolved on appeal based on the standard of irreparable corruption as described in the key paragraph in *Montgomery v. Louisiana*, 577 U.S. 190 (2016), or left entirely in the discretion of trial judges?

PARTIES TO THE PROCEEDING

The parties to the proceedings are William Shaun Walker and the state of North Carolina.

The petitioner is not a corporation.

RELATED PROCEEDINGS

State v. Walker, No. 99 CRS 4409-4411 (Stokes County), Superior Court of North Carolina. Judgment entered on April 9, 1998.

State v. Walker, No. COA99-8, North Carolina Court of Appeals. Judgment entered on January 18, 2000.

State v. Walker, No. 99 CRS 4409-4411 (Stokes County), Superior Court of North Carolina. Judgment entered on November 20, 2023.

State v. Walker, No. COA24-732, North Carolina Court of Appeals. Judgment entered on August 20, 2025.

State v. Walker, No. 39P08-2, Supreme Court of North Carolina. Judgment entered on January 28, 2026.

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Petitioner, William Shaun Walker, respectfully petitions this Court pursuant to Supreme Court Rules 10, 12, 13, and 14, to issue a Writ of Certiorari to review the judgment of the Supreme Court of North Carolina, entered in the above case on January 28, 2026.

OPINION BELOW

The trial court's order from November 20, 2023 imposing two LWOP sentences is attached as Appendix A. The opinion of the North Carolina Court of Appeals issued

on August 20, 2025 and affirming the sentences is attached as Appendix B. The orders issued by the Supreme Court of North Carolina denying discretionary review and dismissing Mr. Walker's appeal are attached as Appendix C and Appendix D, respectively.¹

JURISDICTION

The order of the Supreme Court of North Carolina denying discretionary review was entered on January 28, 2026. *See* Appendix C. On April 15, 2026, Chief Justice Roberts granted Mr. Walker's timely-filed motion for extension of time within which to file this Petition until June 27, 2026. *See* Appendix E. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257, as Mr. Walker is asserting a deprivation of his rights secured by the Constitution of the United States.

CONSTITUTIONAL PROVISIONS INVOLVED

This petition invokes the Eighth Amendment to the United States Constitution. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const. amend. VIII.

¹ The record at the state court is available on North Carolina's electronic filing site under docket number 24-732 at the following link: <https://tinyurl.com/4j47zrtd>. The exhibits were divided into two volumes at the North Carolina Court of Appeals, both titled "Record (rule 9(d) copy of exhibits and other items)" and include an index of the exhibits. The exhibits are cited, respectively, as "Def. Ex." and "State Ex."

STATEMENT OF THE CASE

When William Walker was a child, he was very close with his sister. They often spent time at their grandparents' house because of their parents' work schedules. On one occasion, Mr. Walker discovered his grandfather sexually abusing his sister. Later, he asked his sister about the abuse, but she was scared and made him promise not to tell anyone. Def. Ex. 36-37. According to Mr. Walker, his grandmother knew about the abuse, but kept it a secret. Def. Ex. 362-363, Hearing Tr. 359-360. Then, in 1993, when Mr. Walker was 13 and his sister was 16, she killed herself. State Ex. 3853, Def. Ex. 37.

After his sister's death, Mr. Walker began to use alcohol and cocaine. Def. Ex. 41. In the summer of 1997, William Walker was 17 years old. On the morning of July 26, 1997, he had breakfast with his grandparents, who lived in a rural area of Stokes County, North Carolina. They lent Mr. Walker \$100 to fix his car. State Ex. p. 1404. After, Mr. Walker went to Winston-Salem where he bought cocaine. State Ex. 2159. Around 2:45 p.m., Mr. Walker borrowed a rifle from Jamie Southern, the husband of his cousin. State Ex. 1528-1529. Shortly after, he returned to his grandparents' house. He shot and killed both grandparents, took \$200 from his grandfather's wallet, and returned the rifle. State Ex. 3779. At around 6:00 p.m., he returned to Winston-Salem and bought more cocaine. State Ex. 2159. Several years later, Mr. Walker told a prison doctor that he shot his grandparents while under influence of alcohol and marijuana because he blamed them for his sister's abuse and suicide. Def. Ex. 401.

Investigators soon identified Mr. Walker as a suspect because he asked friends to lie about where he had been on the day of the murders. On October 13, 1997, authorities charged Mr. Walker with two counts of first-degree murder and one count each of armed robbery, felony larceny, felony breaking or entering, and possession of stolen goods. App. 22a. The State tried the charges capitally beginning on March 2, 1998. Mr. Walker testified during the guilt phase of the trial and denied any involvement in the murders. State Ex. 2487.

After the jury returned verdicts finding him guilty of the offenses, Mr. Walker gave a sworn statement in which he admitted to killing his grandparents. State Ex. 3778. He also testified during the sentencing phase, stating that Jamie Southern and another friend helped him rob and kill his grandparents. State Ex. 3863.

On April 3, 1998, the jury found Mr. Walker guilty of the murders and related charges. R. pp. 17-20. At the conclusion of the capital sentencing phase, the jury could not agree on a verdict. R. pp. 23-36. The court then imposed two LWOP sentences for the first-degree murder convictions, as well as a sentence of 51-71 months in prison for armed robbery, and set the sentences to run consecutively. R. pp. 43-48. Mr. Walker appealed, but his convictions were affirmed. R. pp. 49-65.

Fifteen years later, on April 18, 2013, Mr. Walker filed a motion for appropriate relief requesting resentencing under *Miller v. Alabama*, 567 U.S. 460 (2012). R. pp. 66-144. The re-sentencing hearing occurred on October 11-13, 2023.

The defense showed that during Mr. Walker's 26 years of incarceration, he only incurred three infractions. This placed him in the top 1% of all inmates in terms of

the length of his incarceration and the low number of infractions he has acquired. Def. Ex. 84-85. An expert in prison management testified that it was “rare” for an inmate to incur only three infractions given the amount of time Mr. Walker had been incarcerated. Hearing Tr. 112. A psychologist also testified that the low number of infractions on Mr. Walker’s record showed a “strong ability to control impulses, to be able to problem solve, get along with other people, and . . . to seek out treatment” Hearing Tr. 279.

The defense presented evidence about Mr. Walker’s successes in prison, including earning educational degrees. In September 1998, Mr. Walker earned a G.E.D., Def. Ex. 238. In 2009, he earned degrees in religious and Biblical studies. Def. Ex. 35, 282-283, 287-294. In 2021, he earned an associate’s degree in psychology, graduating magna cum laude. Def. Ex. 241.

Mr. Walker also pursued sobriety. In January 2001, he completed the Drug Alcohol Recovery Treatment (DART) residential program, Def. Ex. 245. After, Mr. Walker joined Alcoholics Anonymous and Narcotics Anonymous and began attending their meetings. Hearing Tr. 357; Def. Ex. 247, 335-338.

In September 2001, Mr. Walker completed a 10-week peer counselor training program. Def. Ex. 246. For the next ten years, he served as a peer counselor, working with other inmates to overcome substance abuse and serving as a role model. Def. Ex. 246-250, 335. In 2003, he was selected as a peer counselor mentor, which was “awarded to only one statewide peer counselor at a time that had distinguished himself with staff, inmates and the system volunteers.” Def. Ex. 335. In all, he spent

over 16,000 hours serving as peer counselor in five different prisons. Def. Ex. 243, 247-248, 251, 407.

Over the years, Mr. Walker counseled numerous inmates about drug and alcohol addiction. In 2004, he counseled Christopher Boone. Mr. Boone was then a “raging alcoholic” and “nearly homeless.” Hearing Tr. 353-354. Mr. Walker became Mr. Boone’s sponsor and guided him through the twelve steps of Alcoholics Anonymous. Def. Ex. 359. After his release from prison, Mr. Boone earned a master’s degree and now works in risk management. Hearing Tr. 353.

Mr. Walker also counseled James Gilmore, Jr. Like Mr. Boone, Mr. Gilmore suffered from addiction. In 2005, Mr. Walker persuaded Mr. Gilmore to attend Alcoholics Anonymous meetings and church services. Def. Ex. 365, Hearing Tr. 236-237. After a few months, though, Mr. Gilmore was transferred to another prison and then released. While he was outside of prison, he relapsed and was sent back to prison. In 2013, he and Mr. Walker met again in prison at Piedmont Correctional and renewed their friendship. Mr. Gilmore’s father was a police officer and also struck up a friendship with Mr. Walker. He testified at Mr. Walker’s 2023 sentencing hearing that Mr. Walker’s friendship with his son was “always very positive.” Hearing Tr. 237. Officer Gilmore told the trial court, “I’ve come across many inmates and potential inmates in my career. And it’s been reasonably easy to sort the good from the bad. And I have never supported one like I do William.” Hearing Tr. 239.

Other individuals shared similar stories. Erin Pinkston wrote in a letter of support that a family member of hers was sent to prison and was mentored by Mr.

Walker. After Ms. Pinkston met Mr. Walker and got to know him, she discovered that there were many other people who benefitted from Mr. Walker's help. Because of her experience with Mr. Walker, she worked with the North Carolina prison system to accept inmates on work release at her business. Def. Ex. 375.

In addition to serving as a peer counselor, Mr. Walker made an impression on prison employees. On September 8, 2000, Mr. Walker helped put out a fire at Foothills Correctional Institution. A prison mechanic who saw the fire wrote in a letter that Mr. Walker's "willingness to perform in adverse conditions reflect[ed] [his] dedication and desire to rehabilitate [him]self and to safe guard [sic] life here at the institution." Def. Ex. 340.

In 2012, the prison system moved Mr. Walker to Piedmont Correctional Institution where he got a job in the clothes warehouse. Def. Ex. 330. Five correctional officers wrote letters of support recognizing Mr. Walker's contributions to the prison during the time that he was there. Def. Ex. 329-333. He was also selected for an inmate panel that spoke with at-risk teens. The outreach coordinator regularly received feedback about how Mr. Walker's work on the panel positively changed lives. Def. Ex. 329.

After leaving Piedmont Correctional Institution in 2018, Mr. Walker joined the ABEL ("At Both Ends of the Leash") dog-training program at Caswell Correctional Institution. Def. Ex. 11, 241, 243. The ABEL program is run by a non-profit organization that trains mobility assistance dogs and medical alert dogs. Hearing Tr. 207-08. The program director testified that Mr. Walker was a "very strong

candidate” for the program “because of his interest in the well-being of others” and because he “seemed like he would be a great team player.” Hearing Tr. 179. The executive director testified that the selection process is rigorous. Inmates must first pass the prison system’s screening process and then an interview with ABEL staff. ABEL also requires an 18-month commitment and “is not an easy job.” Hearing Tr. 212. Around “two-thirds of trainers don’t make it to 18 months.” Hearing Tr. 219. At the time of hearing, Mr. Walker had been with ABEL for 52 months, with only 2% of the trainers having been in the ABEL program longer than Mr. Walker. Def. Ex. 259; Hearing Tr. 219. In 2021, Mr. Walker became one of only ten inmates to reach the management level for the program, out of about 170 trainers. Hearing Tr. 184, 219.

During the pandemic, civilian dog trainers were not allowed to enter prisons. Hearing Tr. 214. This meant the burden was on Mr. Walker to train and manage other inmates who were part of the program. Hearing Tr. 215. At the time, Mr. Walker was at Warren Correctional Institution. Def. Ex. 243. When any problems arose, Mr. Walker had to consult with the civilian trainers over the phone. Hearing Tr. 184, 215. Two prison employees wrote letters of support praising Mr. Walker for how he handled the dog-training program during the lockdown. A program supervisor wrote that “[Mr.] Walker’s leadership helped keep the ABEL program up and running” during the “difficult times we all faced during the pandemic.” Def. Ex. 326. Separately, a case manager stated that during the pandemic, Mr. Walker “worked tirelessly to ensure” that the ABEL program “would continue to stay open .

...” Def. Ex. 327.

In 2023, after the pandemic restrictions were lifted, the director of ABEL asked the prison system to move Mr. Walker to Caswell Correctional Center because some of their trainers had left. Hearing Tr. 221, Def. Ex. 241. At the time, morale at the program was low. The director testified that after Mr. Walker joined the program, there was “a lot more enthusiasm” and “people were excited about their jobs again.” Hearing Tr. 222.

During his time in prison, Mr. Walker has also participated in church services. George Holley, a retired prison chaplain, testified that Mr. Walker was “very involved” in Catholic services at Craggy Correctional Center. Hearing Tr. 190. Mr. Walker also became a leader in the Catholic group at Wayne Correctional Center. Def. Ex. 352. Officer Gilmore testified that his son was raised in the Baptist church but became a Catholic in large part because of Mr. Walker. He explained, “And that was strictly through William getting him – saying, read this, read that. And Will wouldn’t say, that’s wrong or that’s wrong, just read this and see what you think.” Hearing Tr. 237.

Many individuals also expressed their belief that Mr. Walker was worthy of release. Former chaplain George Holley testified, “I think society would be far better served with someone like William Walker on the outside than on the inside.” Hearing Tr. 186. According to former chaplain William Edwards, Mr. Walker was “one of the four or five inmates whom I wish could be on the outside so that they could share their experience, strength, and hope with those not incarcerated.” Def. Ex. 337.

Sister Gertrude Gillette wrote in a letter of support that she “personally believe[d] William is one of the men who has shown that immaturity, recklessness and impulsivity can be overcome. He definitely does not belong to the category of those who are incorrigible and therefore still a danger to society.” Def. Ex 353.

After all the evidence was presented at the re-sentencing hearing, Mr. Walker offered an allocution in which he told the court, “I lied to the police. I lied at trial. I lied to the family. I’ve lied to myself.” Hearing Tr. 475. The defense attorney then stated that she was not “disputing anything in that trial transcript” and acknowledged that “Mr. Walker lied when he was before the court in 1998 when he was 18-years-old.” Hearing Tr. 538.

In her arguments to the court, the defense attorney asserted that there were “two categories of juveniles.” Some were “irredeemable and irreparably depraved,” while the “overwhelming majority” were “capable of change” and “capable of being rehabilitated.” Hearing Tr. 31. She asserted that “the juvenile offender who’s not able to change, who’s not able to be rehabilitated is supposed to be exceptionally rare.” Hearing Tr. 545. She also asserted that a defendant seeking to avoid LWOP “has to show that he’s capable of changing and benefitting from rehabilitation.” Hearing Tr. 545. According to the defense attorney, the trial court had heard “overwhelming evidence of Mr. Walker’s demonstrated rehabilitation,” and that Mr. Walker was “like most juveniles; capable of maturing and being rehabilitated” and “deserving of an opportunity to be considered for parole someday.” Hearing Tr. 32, 522.

In contrast, the prosecutor argued that *Miller* only required the court to

consider mitigating factors and that a trial court's decision to impose LWOP would be reversed only for "abuse of discretion." Hearing Tr. 485, 487. According to the prosecutor, LWOP was warranted because "all of the things [Mr. Walker did] right can never, never outweigh the premeditated, cold-blooded murder of his grandparents" Hearing Tr. 506.

At the conclusion of the proceedings, the court imposed two LWOP sentences for the first-degree murder convictions. App. 23a. The court also issued a written sentencing order. App. 2a-19a. As part of the order, the court made several findings that Mr. Walker was not credible. App. 6a-13a. The court also found that Mr. Walker "has completed numerous programs, he has supporters, and has helped others, is a very good dog trainer and has made friends." In addition, the court found that Mr. Walker's infractions were "low in number." However, the court determined that Mr. Walker's likelihood of rehabilitation did "not carry any mitigating weight." App. 18a. The court then stated that Mr. Walker's case was "not one of transient immaturity," but was a "rare case" where LWOP was warranted. App. 19a.

Mr. Walker appealed, arguing among other things that the LWOP sentences violated the Eighth Amendment as applied to him. The North Carolina Court of Appeals affirmed the LWOP sentences, holding that juvenile LWOP sentences are only reviewed for abuse of discretion, that the trial court did not abuse its discretion by imposing LWOP, and that it was "limited to this conclusion." *State v. Walker*, No. COA24-732, slip op. at 18 (N.C. Ct. App. Aug. 20, 2025) (unpublished); App. 38a. Mr. Walker filed a notice of appeal and petition for discretionary review in the Supreme

Court of North Carolina, but on January 28, 2026, the Court issued orders denying review and dismissing the appeal. Appendix C & D.

**REASONS WHY THIS COURT SHOULD ISSUE A
WRIT OF CERTIORARI**

This case calls out for review by this Court. Across the country, courts are in sharp disagreement over how to resolve *Miller* sentencing appeals. Some courts commit the decision to impose LWOP solely to the discretion of trial judges. Other courts take this Court at its word – that States “are not free to sentence a child whose crime reflects transient immaturity to life without parole.” *Montgomery v. Louisiana*, 577 U.S. 190, 211 (2016). Still other courts have created their own idiosyncratic approaches to this question. Because this divide results from a question left open by this Court in *Jones v. Mississippi*, 593 U.S. 98 (2021), only this Court can settle the issue. This case presents the question clearly because the evidence at Mr. Walker’s *Miller* sentencing hearing demonstrated that he is not irreparably corrupt, yet North Carolina’s appellate courts deferred entirely to the trial court’s sentencing decision without engaging in any meaningful Eighth Amendment review.

A. There is a sharp disagreement on how to resolve as-applied disproportionality claims in *Miller* sentencing appeals.

Defendants in criminal cases are protected against cruel and unusual punishment under the Eighth Amendment to the United States Constitution. In *Miller v. Alabama*, 567 U.S. 460 (2012), this Court held that mandatory LWOP sentences violated the Eighth Amendment for juvenile defendants. Although this Court permitted judges to impose discretionary LWOP sentences, it explained that the differences between children and adults “counsel against irrevocably sentencing

[juveniles] to a lifetime in prison.” *Id.* at 480. In *Montgomery v. Louisiana*, 577 U.S. 190, 212 (2016), this Court held that *Miller* was retroactive. In so doing, this Court stated that even if a sentencing judge considers a child’s age before sentencing him to life in prison, “that sentence still violates the Eighth Amendment for a child whose crime reflects ‘unfortunate yet transient immaturity.’” *Id.* at 208 (quoting *Miller*, 567 U.S. at 479).

Then, in *Jones*, this Court held that procedurally, *Miller* hearings need only provide trial judges with the discretion not to impose LWOP sentences, but those trial judges are not required to make a finding of permanent incorrigibility before sentencing a juvenile to life in prison without parole. *Jones*, 593 U.S. at 113. However, this Court expressly stated that the case “[did] not properly present—and thus we do not consider—any as-applied Eighth Amendment claim of disproportionality regarding Jones’s sentence.” *Jones*, 593 U.S. at 120. The Court also reiterated that in the “key paragraph” of *Montgomery*, it made clear that States were not “free to sentence a child whose crime reflects transient immaturity to life without parole.” *Id.* at 106 n.2 (quoting *Montgomery*, 577 U.S. at 211)). Further, in her dissenting opinion, Justice Sotomayor – discussing an issue not addressed by the *Jones* majority – asserted that the standard for as-applied arguments in *Miller* sentencing appeals “should be controlled by this Court’s holding that sentencing ‘a child whose crime reflects transient immaturity to life without parole . . . is disproportionate under the Eighth Amendment.’” *Id.* at 144 n.15 (quoting *Montgomery*, 577 U.S. at 213).

After *Miller*, courts have issued diverging opinions about the standard that should govern as-applied disproportionality claims in *Miller* sentencing appeals. Some courts have determined that LWOP sentences will not be disturbed unless the defendant affirmatively shows that the trial court abused its discretion. For example, in *State v. Ramirez*, 990 N.W.2d 550, 559 (Neb. 2023), the Supreme Court of Nebraska held, “Having determined that the district court considered the appropriate factors and made an individualized sentencing decision, we find no abuse of discretion in the sentences imposed.” Similarly, in *Falcon v. State*, 341 So. 3d 386, 392 (Fla. Ct. App. 2022), the Florida Court of Appeals determined that the trial court did not abuse its discretion in imposing an LWOP sentence because there was “competent, substantial evidence to support the trial court’s findings of fact” Indeed, in *Chandler v. State*, 242 So. 3d 65, 68 (Miss. 2018), the Supreme Court of Mississippi refused to employ “heightened scrutiny” to the appeal, reasoning that it had “no reasonable basis to raise its standard of review for a sentence in a noncapital case simply because it involves a juvenile offender.” Instead, the court upheld the LWOP sentence imposed by the trial court because the trial court “chose to sentence Chandler to life in prison, which was also within its authority.” *Id.* at 71.

By contrast, other courts review sentences imposed in *Miller* cases to determine whether they are proportional under the standard set forth in *Miller* and *Montgomery*. For example, in *White v. Premo*, 443 P.3d 597, 607 (Or. 2019), the Supreme Court of Oregon reversed a de facto LWOP sentence in a *Miller* case because it “[could not] conclude that the trial court’s decision reflect[ed] a determination that

petitioner is one of the rare juvenile offenders whose crimes demonstrate irreparable corruption.” Similarly, in *People v. Bennett*, 966 N.W.2d 768, 783 (Mich. 2021), the Supreme Court of Michigan reversed an LWOP sentence in a *Miller* case because the prosecutor “introduced no evidence” that the defendant was irreparably corrupt and the sentencing court “ignore[ed] this constitutional mandate.” And in *Malvo v. State*, 281 A.3d 758, 762 (Md. Ct. App. 2022), the Maryland Court of Appeals granted re-sentencing because “opposing inferences” could be drawn in the case about whether the sentencing judge determined that the defendant was irreparably corrupt.

Still other courts have devised more nuanced approaches to *Miller* sentencing appeals. In *Davis v. State*, 415 P.3d 666, 688 (Wy. 2018), the Supreme Court of Wyoming held that it would review LWOP sentences imposed in *Miller* cases for abuse of discretion, but that it would “not be lenient.” Rather, the Court stated that it would view the sentences as “inherently suspect and demand rigor from the sentencing court in its factual findings, its application of the *Miller* factors, and the ensuing sentence.” *Id.* Likewise, in *Stanford v. Commonwealth*, 643 S.W.3d 96, 99 (Ky. Ct. App. 2021), the Kentucky Court of Appeals held that the trial court’s decision to impose LWOP in a *Miller* case would be reviewed for abuse of discretion but that the constitutionality of the sentence would be reviewed *de novo*.

North Carolina is a perfect microcosm of these differing approaches to *Miller* sentencing appeals. That is, in recent years, the state supreme court has whipsawed between different methods of resolving *Miller* sentencing cases. For example, in *State v. James*, 813 S.E.2d 195, 207 (2018), the court held that in *Miller* cases, the trial

court's sentencing decision must be made "in light of" *Miller* and the principle that LWOP "should be reserved for those juvenile defendants whose crimes reflect irreparable corruption rather than transient immaturity." However, seven years later, the court held that the "inquiry" in a *Miller* sentencing hearing is "not whether a defendant is permanently incorrigible or irreparably corrupt; nor is it potential for redemption." *State v. Borlase*, 912 S.E.2d 795, 805 (2025). According to the court, LWOP sentences imposed at *Miller* sentencing hearings would only be reviewed for abuse of discretion. *Id.*

The court also held in *State v. Kelliher*, 873 S.E.2d 366, 387 (N.C. 2022), that under the state constitution, a trial court could not sentence a juvenile convicted of first-degree murder to life without parole unless it found that the juvenile was irreparably corrupt. Just three years later, though, the court dismissed the holding of *Kelliher* as dictum and held that the state constitution did not require a finding of irreparable corruption. *State v. Tirado*, 911 S.E.2d 51, 72 (N.C. 2025)

In light of all of these approaches to *Miller* sentencing appeals, some have correctly recognized that courts "are divided over the proper interpretation" of *Miller*, *Montgomery*, and *Jones*. *State v. Mullins*, 2025 UT 57, ¶ 74 n.138 (Utah 2025). Indeed, the Seventh Circuit Court of Appeals recently stated that the "shifting rationales of *Miller*, *Montgomery*, and *Jones* have left unsettled whether the Eighth Amendment categorically forbids life without parole for corrigible juvenile homicide offenders." *Walker v. Cromwell*, 140 F.4th 878, 888 (7th Cir. 2025). Even prosecutors recognize that there is a "deep and persistent split of authority" in the wake of *Jones*.

Petition for Writ of Certiorari for the State of Utah at 10, *Utah v. Morris Thomas Mullins*, No. 25-1115 (U.S. Mar. 5, 2026). As one commentator put it, *Miller*, *Montgomery*, and *Jones* have resulted in a “Gordian knot.” Juliet Liu, *Closing the Door on Permanent Incurability: Juvenile Life Without Parole After Jones v. Mississippi*, 91 Fordham L. Rev. Online 1033, 1064 (2022). This case presents an opportunity to resolve the divide – and untie the knot – once and for all.

B. This case is an ideal vehicle to resolve the divide over the standard for as-applied disproportionality claims in *Miller* sentencing appeals.

This appeal is an ideal case to settle the question of how as-applied disproportionality claims should be resolved in *Miller* cases because it shows why an abuse of discretion standard unconnected to the proportionality principle set forth in *Miller* and *Montgomery* is insufficient for reviewing LWOP sentences imposed in cases involving juvenile defendants. In *Montgomery*, this Court stated that if a juvenile defendant demonstrates that his crime did not reflect irreparable corruption, his hope for life outside of prison “must be restored.” *Montgomery*, 577 U.S. at 213. At his re-sentencing hearing, Mr. Walker left no doubt that he could be rehabilitated. And, yet, the trial court still imposed two LWOP sentences and North Carolina’s appellate courts found no abuse of discretion and left the sentences intact.

Specifically, Mr. Walker showed that in over 25 years of incarceration, he incurred only 3 infractions, which placed him in the top 1% of all North Carolina inmates regarding the number of infractions and length of incarceration. Def. Ex. 84-85. He also spent over 16,000 hours in five different prisons mentoring inmates suffering from addiction. Def. Ex. 243, 247-248, 251, 407. He earned degrees in

religious and Biblical studies and then an associate's degree in psychology, graduating magna cum laude. Def. Ex. 35, 241, 282-283, 287-294. He served in a program training mobility assistance and medical alert dogs and later joined the management team for the program. Def. Ex. 11, 241, 243, Hearing Tr. 184, 219. He was also supported at re-sentencing by thirty-six individuals, including clergy, a retired police officer, prison guards, a small business owner, a nun, family members of inmates, and others. Def. Ex. 326-354; Hearing Tr. 186, 239. In short, Mr. Walker is exactly the type of defendant who fits the promise of *Montgomery*. And, yet, the appellate courts in North Carolina still upheld the LWOP sentences imposed in his case because – as the Court of Appeals explained – they were “limited” to the trial court’s conclusion. *State v. Walker*, No. COA24-732, slip op. at 18 (N.C. Ct. App. Aug. 20, 2025) (unpublished).

In *Hall v. Florida*, 572 U.S. 701 (2014), the trial court sentenced the defendant to death under a statute that prohibited capital punishment for individuals with below average intellectual functioning. This Court held that “[o]n its face,” the statute could be interpreted as consistent with *Atkins v. Virginia*, 536 U.S. 304 (2002), which prohibited death sentences for intellectually disabled defendants. However, it reversed the defendant’s sentence because the Florida Supreme Court construed the statute too narrowly. This Court explained that “[i]f the States were to have complete autonomy to define intellectual disability as they wished, the Court’s decision in *Atkins* could become a nullity, and the Eighth Amendment’s protection of human dignity would not become a reality.” *Hall*, 572 U.S. at 720-721.

So too here. That is, in *Jones*, this Court reiterated that in the “key paragraph” of *Montgomery*, it made clear that States were not “free to sentence a child whose crime reflects transient immaturity to life without parole.” *Jones*, 593 U.S. at 106 n.2. Applying an abuse of discretion standard without any reference to the proportionality principle established in *Miller* threatens to render that “key paragraph” a nullity.

Applying an abuse of discretion standard stripped of any concerns over proportionality is also inconsistent with this Court’s approach to extreme sentences. In both *Miller* and *Jones*, this Court drew comparisons between capital cases and cases involving juveniles sentenced to LWOP. *Miller*, 567 U.S. at 470; *Jones*, 593 U.S. at 108. As this Court explained in *Jones*, *Miller* “required a sentencing procedure similar to the procedure that this Court has required for the individualized consideration of mitigating circumstances in capital cases” *Jones*, 593 U.S. at 108. In addition to requiring individualized sentencing hearings in capital cases, this Court also requires states to establish “clear and objective standards” that provide “specific and detailed guidance,” “channel the sentencer’s discretion,” and “make rationally reviewable the process for imposing” the sentence. *Godfrey v. Georgia*, 446 U.S. 420, 428 (1980) (internal citations omitted). These requirements enable states to “tailor and apply [their] law[s] in a manner that avoids the arbitrary and capricious infliction” of death sentences and to avoid “standardless sentencing discretion.” *Id.*

As this case demonstrates, applying an abuse of discretion without regard to the question of whether the defendant is irreparably corrupt does not channel the

discretion of trial courts through objective standards or provide specific guidance that would make LWOP sentences “rationally reviewable” in *Miller* sentencing appeals. For over a quarter century, Mr. Walker has made genuine efforts at rehabilitation. However, at his resentencing hearing, his efforts did not matter. This is not what *Miller* demands. The trial court imposed two LWOP sentences and the sentences were upheld on appeal because the North Carolina Court of Appeals believed it was bound by the choice made by the trial court. This case thus demonstrates that an abuse of discretion standard unconnected to proportionality risks rendering meaningless the prohibition in *Miller* and *Montgomery* against sentencing juveniles whose crimes reflect transient immaturity to life in prison.

In contrast to a traditional abuse of discretion approach, a standard that incorporates proportionality based on irreparable corruption would enable courts to remain faithful to *Miller* and *Montgomery* in appeals involving as-applied Eighth Amendment arguments. In *Montgomery*, this Court held that LWOP should be reserved only for the “rarest of children” whose crimes reflect “irreparable corruption” or “who exhibit such irretrievable depravity that rehabilitation is impossible.” *Montgomery*, 577 U.S. at 195, 208. This Court also explained that LWOP would be warranted under “exceptional circumstances,” *id.* at 213, and that while it did not require trial judges to make a specific finding of permanent incorrigibility before imposing LWOP, “[f]idelity to this important principle of federalism . . . should not be construed to demean the substantive character of the federal right at issue.” *Id.* at 211. As this Court explained, even if a judge considers a child’s age before imposing

LWOP, “that sentence still violates the Eighth Amendment for a child whose crime reflects ‘unfortunate yet transient immaturity.’” *Id.* at 208 (quoting *Miller*, 567 U.S. at 479). That is, according to *Montgomery*, *Miller* “drew a line between children whose crimes reflect transient immaturity and those rare children whose crimes reflect irreparable corruption.” *Id.* at 209.

When this Court draws a line between factors that satisfy the Constitution and those that do not, the line drawn by this Court necessarily gives rise to a legally enforceable standard. Indeed, the law is filled with legal standards premised on lines drawn by this Court. Speech cannot be protected, or prosecuted, without lines established by this Court’s precedent. *See, e.g., United States v. Alvarez*, 567 U.S. 709, 717 (2012) (listing “historic and traditional categories” of expression that are not protected from prosecution). Similarly, private spaces cannot be protected, or intruded upon, without lines set forth in this Court’s opinions. *See, e.g., Katz v. United States*, 389 U.S. 347, 357 (1967) (noting that searches conducted outside the judicial process and without prior approval are *per se* unreasonable except for “a few specifically established and well-delineated exceptions”). In *Miller*, *Montgomery*, and even *Jones*, this Court established a standard that courts can employ to resolve as-applied disproportionality claims in cases involving juveniles sentenced to life without parole. Mr. Walker asks this Court to enforce that standard here.

C. This Court should grant review and resolve the disagreement over as-applied disproportionality claims in *Miller* sentencing appeals.

This Court does not hesitate to grant certiorari when states are divided on an important issue, *Hillman v. Maretta*, 569 U.S. 483, 489 (2013), or to “resolve a

conflict” among lower appellate courts, *Montanile v. Bd. of Trs. of the Nat’l Elevator Indus. Health Ben. Plan*, 577 U.S. 136, 141 (2016). As described above, there is sharp disagreement over how to resolve as-applied disproportionality arguments in *Miller* sentencing appeals. This case embodies that conflict. Though Mr. Walker has spent years making genuine efforts at reform, he was denied what *Montgomery* promised defendants like him: hope for some years outside of prison walls.

Ultimately, this Court should grant review in this case and settle the conflict over the standard for resolving as-applied disproportionality claims in *Miller* cases. Left unaddressed, juvenile offenders in some states will be protected by the Eighth Amendment while juvenile offenders in others, like North Carolina, will not.

CONCLUSION

For the foregoing reasons, Mr. Walker respectfully requests that this Court issue a writ of certiorari to review this case on the question presented.

Respectfully submitted, this the 13th day of August, 2026.

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