ALITO, J., dissenting

SUPREME COURT OF THE UNITED STATES

LARRY LAMONT WHITE v. KENTUCKY

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF KENTUCKY

No. 17–9467. Decided January 14, 2019

The motion of petitioner for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Supreme Court of Kentucky for further consideration in light of Moore v. Texas, 581 U. S. ___ (2017).

JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GORSUCH join, dissenting.

The Court grants, vacates, and remands this case in light of Moore v. Texas, 581 U. S. ___ (2017). But Moore was handed down on March 28, 2017—almost five months before the Supreme Court of Kentucky reached a decision in this case. I would accordingly deny the petition for the reasons previously stated in my dissent in Kaushal v. Indiana, 585 U. S. ___, ___ (2018), and in Justice Scalia’s dissenting opinion in Webster v. Cooper, 558 U. S. 1039, 1040 (2009).