

must be held to consider the defendant's youth, upbringing, circumstances of the crime and other factors.

The justices did not say whether the ruling applied retroactively to inmates nationwide serving life terms for murders committed when they were under 18.

The Louisiana Supreme Court decided in 2013 that the U.S. Supreme Court ruling was procedural, not substantive, and therefore does not apply to cases before the 2012 ruling.

Lawyers for Montgomery, including lead attorney Mark Plaisance, vehemently disagree in written arguments filed at the nation's top court in advance of Tuesday's hearing. They contend Miller created a substantive new rule that must apply retroactively.

"Assuming (for the sake of argument) that the rule is procedural, Miller is a watershed rule of criminal procedure that applies retroactively as it marks a foundational shift in our understanding of appropriate, proportionate and constitutional sentencing for juvenile homicide offenders,"

ers.
The Louisiana Attorney General's Office and the East Baton Rouge Parish District Attorney's Office maintain the Miller decision fails to qualify as a substantive rule because it does not deny the government the power to impose a category of punishment but only requires a sentencing procedure.

The two offices say that retroactive application of Miller would require "burdensome relitigation of facts buried in the past or irretrievably lost."

In Montgomery's case, for example, the state and parish prosecutors note that virtually everyone involved in his 1969 trial is dead.

"One must also consider the effect of the resentencing process on Deputy Hurt's surviving children, who would be forced to publicly relive the anguish of having been deprived of a father for the better part of their lives," the Attorney General's and District Attorney's offices argue in documents filed at the U.S. Supreme Court.

Wilson and the National Association of Victims of Juvenile Murderers also sent written ar-

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PUBLIC MEETING ANNOUNCEMENT

Proposed BP Settlement Consent Decree and *Deepwater Horizon Oil Spill* Draft Programmatic Damage Assessment and Restoration Plan for the Gulf of Mexico

The U.S. Department of Justice (DOJ) and the *Deepwater Horizon* Natural Resource Damage Assessment Trustees (Trustees) invite the public to a series of meetings as they seek public comments on two documents. DOJ is asking for public comment on a proposed **Consent Decree with BP**. This Consent Decree sets forth a settlement between BP, the United States, and the five Gulf states resolving claims for federal civil penalties and natural resource damages related to the *Deepwater Horizon* oil spill.

The Trustees are seeking public comment on the ***Deepwater Horizon Oil Spill* Draft Programmatic Damage Assessment and Restoration Plan (PDARP) and Draft Programmatic Environmental Impact Statement (PEIS)**. The draft plan would allocate funds for restoration from a settlement with BP for up to \$8.8 billion for natural resource injuries.

There will be eight meetings—seven within the Gulf region and one in Washington D.C. Information about the Louisiana meetings listed below.

| LOUISIANA PUBLIC MEETINGS | | |
|---------------------------|---|---|
| Date | Times | Location |
| 10/19/2015 | 5:30 PM – Open House 6:00 PM – Meeting | Courtyard by Marriott – Houma Versailles Parlour 142 Liberty Drive Houma, LA 70360 |
| 10/22/2015 | 5:30 PM – Open House 6:00 PM – Meeting | Hilton Garden Inn New Orleans Convention Center Garden Ballroom 10001 South Peters Street New Orleans, LA 70130 |

To download the proposed Consent Decree, visit <http://www.justice.gov/enrd/deepwater-horizon>. To view the Trustees' draft programmatic damage assessment and restoration plan, as well as a list of locations where copies of the documents have been placed for public review and a list of all public meetings, visit www.gulfspillrestoration.noaa.gov. To facilitate public review of documents, information on the Consent Decree and a link for making comment is also posted at www.gulfspillrestoration.noaa.gov

In addition to verbal comments received at public meetings, the public may submit written comments through December 4, 2015:

For the Consent Decree:

- Online: <http://www.justice.gov/enrd/deepwater-horizon>
- By U.S. Mail: U.S. Department of Justice, P.O. Box 7611, Washington, D.C. 20044-7611, and should refer to U.S. v. BP Exploration and Production et al, Civil No. 10-4536 (E.D. La.) (centralized in MDL 2179: In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, April 20, 2012), D.J. Ref. 90-5-1-1-10026

For the draft plan:

- Online: www.gulfspillrestoration.noaa.gov
- By U.S. Mail: U.S. Fish and Wildlife Service, P.O. Box 49567, Atlanta, GA 30345

MEETING CONTACTS:

STATE: Jenny Kurz, 225-342-0168, jenny.kurz@la.gov

NOAA: Courtney Groeneveld, 301-427-8666, courtney.groeneveld@noaa.gov

DOJ: Nanciann Regalado, 678-296-6805, nanciann_regalado@tws.gov

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Trustees at least five days before the meeting by calling Nanciann Regalado at the contact information above.

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