

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KH-593

STATE OF LOUISIANA

versus

ROY BRIDGEWATER

ON APPLICATION FOR SUPERVISORY REVIEW FROM THE TWENTY-FOURTH JUDICIAL
DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 96-7161, DIVISION "H"
HONORABLE DONALD L. FORET, JUDGE PRESIDING

April 27, 2026

FREDERICKA HOMBERG WICKER
JUDGE

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Stephen J. Windhorst

WRIT GRANTED; REVERSED; REMANDED WITH
INSTRUCTIONS

FHW
JGG
SJW

TRUE COPY



JALISA WALKER
DEPUTY CLERK

COUNSEL FOR DEFENDANT/RELATOR,
ROY BRIDGEWATER

Hannah P. Van De Car

WICKER, J.,

Relator-Defendant Roy Bridgewater seeks review of the trial court's October 15, 2025 denial of his Motion for Appeal. For the following reasons, we grant the writ application, reverse the trial court's order, and remand the matter with instructions to the trial court to grant Mr. Bridgewater's appeal.

BACKGROUND

On October 30, 1998, a jury found Relator-Defendant Roy Bridgewater guilty of first-degree murder in violation of La. R.S. 14:30 and sentenced him to death. Relator was seventeen at the time of the murder in 1996. The Louisiana Supreme Court affirmed Relator's conviction and sentence on January 15, 2002; *State v. Bridgewater*, 00-1529 (La. 1/15/02), 823 So.2d 877; and the United States Supreme Court denied his *writ of certiorari* on February 24, 2003. *Bridgewater v. Louisiana*, 537 U.S. 1227, 123 S.Ct. 1266, 154 L.Ed.2d 1089 (2003).

In 2005, the United States Supreme Court decided *Roper v. Simmons*, 543 U.S. 551, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005), striking down the death penalty for juvenile offenders who were under eighteen at the time of the offense. Following that decision, Relator's death sentence was vacated, and, on July 21, 2005, the trial court resentenced him to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence (hereinafter "life imprisonment without parole"). In 2012, the Supreme Court decided *Miller v. Alabama*, 567 U.S. 460, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012), holding that a sentence of mandatory life imprisonment without parole violates the Eighth Amendment's prohibition against cruel and unusual punishment for juvenile offenders who were under the age of eighteen at the time of the offense. In 2016, the Supreme Court decided *Montgomery v. Louisiana*, 577 U.S. 190, 136 S.Ct. 718, 193 L.Ed.2d 599 (2016), holding that *Miller* applied retroactively to defendants whose convictions and sentences were final prior to *Miller*.

Through this line of cases, it was established that a defendant who was under eighteen years old at the time of the offense could not be automatically sentenced to life imprisonment without parole; instead, the defendant is entitled to a hearing before the trial court for determination of whether to impose the sentence with or without the possibility of parole. To facilitate such hearings, the Louisiana Legislature enacted La. C.Cr.P. art. 878.1 and La. R.S. 15:574.4(E), providing procedural guidelines for determining the parole eligibility of defendants who committed either first- or second-degree murder when they were under eighteen years of age.

On October 30, 2017, the State timely filed a notice of its intent to seek a sentence of life imprisonment without parole against Relator, in accordance with La. C.Cr.P. art. 878.1(B)(1). On November 8, 2017, the trial court set the matter for a *Miller* hearing “to determine whether the instant Defendant shall be eligible for parole.” Although originally set for January 17, 2018, the hearing did not actually take place for another six years as the parties engaged in an extended period of motions practice before the trial court, the decision on many of which led to appeals before this Court and the Louisiana Supreme Court.¹ *See e.g., State v. Jacobs*, 18-KH-154 (La. App. 5 Cir. 5/15/18) (unpublished); *State v. Jacobs*, 18-958 (La. 11/20/18), 257 So.3d 178 (*per curiam*); *State v. Bridgewater*, 19-515, 2019 WL 5792877, at *1 (La. App. 5 Cir. 11/6/19), *writ denied*, 19-KK-1921 (La. 2/18/20), and *writ denied*, 19-KK-1923 (La. 2/18/20); *State v. Bridgewater*, 21-KH-50 (La. App. 5 Cir. 4/19/21) (unpublished); *State v. Bridgewater*, 21-685 (La. 9/27/21), 324 So.3d 92 (Mem).

On September 23, 2024, the trial court conducted a *Miller* hearing to determine whether Relator’s life sentence should be imposed with or without the

¹ The Covid-19 pandemic also occurred during the intervening period, which likely caused further delays in the matter.

possibility of parole. During the hearing, both sides presented evidence, witness testimony, and oral argument, and, at the conclusion of the hearing, the trial court ordered the parties to file post-trial briefs. Relator filed his post-trial brief on January 20, 2025, and the State filed its post-trial brief on February 20, 2025. On February 27, 2025, the trial court issued its Judgment with Reasons, denying Relator's "request to be resentenced to life imprisonment with the possibility of parole."² Thereafter, Relator filed a Motion to Reconsider Sentence on September 2, 2025, which the trial court denied on September 10, 2025, stating:

In connection with recent legal action, this court conducted a contradictory hearing on September 23, 2024 for the purpose of determining if the defendant's life sentence would be imposed with or without the eligibility of parole. Both parties offered witnesses, introduced exhibits in the record, provided arguments, and submitted post-hearing briefs on the issue before the court. The court found that no case law dictated a new sentence in the defendant's case. Furthermore, in written reasons for judgment issued on February 27, 2025, the court held that the imposed sentence of life in prison without the benefit of probation, parole, or suspension of sentence should be upheld and remain in effect.

The defendant now files a motion to reconsider sentence, taking issue [*sic*] rulings of the court during his most [*sic*] contradictory hearing. After review of the pleadings and entire record, this court finds the motion to reconsider sentence unwarranted. Under the extreme circumstances of this crime and taking the defendant's juvenile status into account, a life sentence is not cruel, unusual, or constitutionally excessive. A life sentence without benefit of probation, parole, or suspension of sentence is the appropriate sentence in light of the brutal double murder during the course of an armed robbery.

On October 9, 2025, Relator filed a Motion for Appeal, Appointment of Counsel, and Request for Return Date with the trial court. Finding Relator was not entitled to appeal the *Miller* hearing judgment, the trial court denied the motion on October 15, 2025, stating:

The defendant was re-sentenced on July 21, 2005. The time to appeal that sentence has long since expired. La. C.Cr.P. art. 914. The denials

² The trial court appears to have mischaracterized the *Miller* hearing as originating from Relator's motion for resentencing. As recounted above, however, the hearing was triggered by the State's filing of its notice of intent under La. C.Cr.P. art. 878.1(B)(1) to seek a life sentence without parole. Absent that notice, Relator would have been eligible for parole by operation of law, without the need for judicial determination.

of motions for resentencing left the 2005 sentence in place and provide no basis to appeal. As the motion to appeal has no merit, the accompanying motions for appointment of counsel and a return date are also unwarranted.

Relator timely filed a notice of intent to seek supervisory writs and the instant writ application followed. In his application to this Court, Relator asserts that he was entitled to appeal the trial court's "resentencing decision" rendered pursuant to *Miller* and La. C.Cr.P. art. 878.1.

LAW AND ANALYSIS

Relator seeks reversal of the trial court's order denying his motion for appeal of the trial court's resentencing decision rendered pursuant to *Miller* and La. C.Cr.P. art. 878.1 on the basis that such judgments are appealable. Relator raises one assignment of error, *i.e.*, "that the trial court plainly erred when it denied Relator's motion for appeal." The question presented is whether a judgment issued pursuant to La. C.Cr.P. art. 878.1 is an appealable judgment.

Relator argues that the trial court erred as a matter of law by concluding that his time to appeal had expired decades earlier and that the trial court merely "upheld" that same sentence rather than impose a new one. Relator maintains that the trial court's February 27, 2025 judgment—which was rendered following a *Miller* hearing pursuant to La. C.Cr.P. art. 878.1—constituted a new sentencing judgment and is therefore appealable under Louisiana law. According to Relator, although the trial court again imposed a life sentence without parole after the hearing, that sentence was required by newly recognized constitutional law and the resentencing procedure set out in Louisiana law, and therefore must be treated as a new sentence rather than a continuation of his previous sentence.

Relator relies on a handful of Louisiana Supreme Court cases, which he contends "repeatedly [makes] clear that a resentencing decision pursuant to La. C.Cr.P. art. 878.1(B) is among those which a defendant may appeal," including

State ex rel. Gaskin v. State, 15-225 (La. 02/17/17), 211 So.3d 381 (*per curiam*);
State ex rel. Manieri v. State, 16-531 (La. 08/04/17), 222 So.3d 717 (*per curiam*);
State ex rel. Wise v. State, 15-224 (La. 02/17/17), 211 So.3d 378 (*per curiam*); and
State ex rel. Braud v. State, 15-701 (La. 03/02/18), 237 So.3d 504 (*per curiam*).
Relator also relies on this Court's decision in *State v. Brown*, recognizing that a
defendant resentenced pursuant to *Miller*, "is entitled to appeal that resentencing as
of right." 19-370 (La. App. 5 Cir. 01/15/20), 289 So.3d 1179, 1187, *writ denied*, 20-
276 (La. 6/22/20), 297 So.3d 721, *cert. denied*, 141 S.Ct. 1396, 209 L.Ed.2d, 133
(2021). Based on the foregoing authority, Relator concludes that the trial court erred
in denying his motion for appeal and he urges reversal by this Court.

The Louisiana Legislature enacted La. C.Cr.P. art. 878.1 to provide
procedural guidelines for courts to determine the parole eligibility of defendants who
committed either first- or second-degree murder when they were under eighteen
years of age. La. C.Cr.P. art. 878.1(B)(1) provides that:

If an offender was indicted prior to August 1, 2017, for the crime of
first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1)
where the offender was under the age of eighteen years at the time of
the commission of the offense and a hearing was not held pursuant to
this Article prior to August 1, 2017, to determine whether the offender's
sentence should be imposed with or without parole eligibility, the
district attorney may file a notice of intent to seek a sentence of life
imprisonment without the possibility of parole within ninety days of
August 1, 2017. If the district attorney timely files the notice of intent,
a hearing shall be conducted to determine whether the sentence shall be
imposed with or without parole eligibility. If the court determines that
the sentence shall be imposed with parole eligibility, the offender shall
be eligible for parole pursuant to R.S. 15:574.4(G). If the district
attorney fails to timely file the notice of intent, the offender shall be
eligible for parole pursuant to R.S. 15:574.4(E) without the need of a
judicial determination pursuant to the provisions of this Article. If the
court determines that the sentence shall be imposed without parole
eligibility, the offender shall not be eligible for parole.

Pursuant to this article, the applicable punishment for first-degree murder remains
life imprisonment at hard labor, and the trial court's authority is limited to
determining whether parole eligibility should attach to that sentence following a

Miller hearing. See *State v. Sumler*, 51,324 (La. App. 2 Cir. 5/2/17), 219 So.3d 503, 509, writ denied, 19-1297 (La. 7/24/20), 299 So.3d 72. In fact, La. C.Cr.P. art. 878.1(D) sets the scope of a *Miller* hearing, as follows:

The sole purpose of the hearing is to determine whether the sentence shall be imposed with or without parole eligibility. The court shall state for the record the considerations taken into account and the factual basis for its determination. Sentences imposed without parole eligibility and determinations that an offender is not entitled to parole eligibility should normally be reserved for the worst offenders and the worst cases.

In the instant case, on October 30, 2017 the State timely filed a notice with the trial court of its intent to seek a sentence of life imprisonment without the possibility of parole against Relator. As a result, the trial court was required to conduct a *Miller* hearing pursuant to Article 878.1(B)(1). Following the long delayed September 23, 2024 *Miller* hearing—cast by the trial court as a hearing “to determine whether the instant Defendant **shall be eligible for parole**”³—the trial court, in its February 20, 2025 judgment with reasons, denied Relator’s request to be resentenced to life with the possibility of parole, finding that the offense warranted no change in sentence. Rather than vacating Relator’s 2005 sentence and formally resentencing him under Article 878.1, the trial court elected to affirm the existing sentence. On that basis, the trial court concluded that its *Miller* determination was not appealable because no new sentence had been imposed and denied Relator’s motion for appeal. Consequently, although the trial court conducted a post-*Miller* hearing and made a substantive ruling on parole eligibility, Relator was denied appellate review because the trial court declined to vacate his original sentence and resentence him under Article 878.1, leaving the 2005 sentence intact notwithstanding *Miller* and *Montgomery*.

³ Emphasis added.

The question presented is whether a ruling issued pursuant to La. C.Cr.P. art. 878.1 constitutes an appealable judgment. The code article itself provides no express guidance regarding appellate review. We therefore turn to other provisions of the criminal code and relevant case law. For example, La. C.Cr.P. art. 912(A) provides that “only a final judgment or ruling is appealable.” The same code article further provides that an appeal can be taken from “a judgment which imposes sentence.” La. C.Cr.P. art. 912(C)(1).

As Relator correctly observes, the Louisiana Supreme Court has recognized in many cases that a resentencing decision rendered after a *Miller* hearing pursuant to La. C.Cr.P. art. 878.1 is an appealable judgment under La. C.Cr.P. art. 912(C)(1) because it imposes a sentence. See *Manieri*, 222 So.3d 717; *Braud*, 237 So.3d 504; *Gaskin*, 211 So.3d 381; *Wise*, 211 So.3d 378. In those cases, the Supreme Court reiterated that, once a defendant is resentenced pursuant to La. C.Cr.P. art. 878.1, that judgment is included by statute among those which the defendant may appeal as of right under La. C.Cr.P. art. 912(C)(1).

This Court reached the same conclusion in *Brown*, wherein we recognized that a defendant resentenced pursuant to *Miller* “is entitled to appeal that resentencing as of right.” 289 So. 3d at 1187. More recently, in *State v. Craig*, 25-24 (La. 10/24/25), 421 So.3d 952, the Louisiana Supreme Court held that the State likewise possesses a right to appeal a trial court’s ruling on retroactive parole eligibility determinations and the resultant resentencing of juvenile homicide offenders conducted pursuant to La. C.Cr.P. art. 878.1(B)(1). In doing so, the Court concluded that a trial court’s ruling after a *Miller* hearing constitutes a final judgment because it brings the proceedings to an end, as follows:

A final judgment is one which puts an end to the proceedings. *State v. Quinones*, 94-0436, p. 3 (La. App. 5 Cir. 11/29/94), 646 So.2d 1216, 1217. A trial court’s ruling from a *Montgomery* [*Miller*] hearing, conducted under La. C.Cr.P. art. 878.1(B)(1), is a final judgment as it

is a retroactive application of *Miller* – a defendant must necessarily be resentenced should the trial court determine they are parole eligible.

Craig, 421 So.3d at 956.

Relator’s case differs procedurally from the defendants in the foregoing cases because his original life imprisonment sentence was never vacated prior to the *Miller* hearing. After conducting the *Miller* hearing, the trial court denied parole eligibility, and Relator’s sentence of life imprisonment without benefit of parole, probation, or suspension of sentence remained intact. On that basis, the trial court concluded that its decision was not an appealable judgment because no resentencing occurred. This posture presents a unique procedural scenario. Had Relator’s original sentence been vacated, the *Miller* hearing necessarily would have culminated in a new sentencing judgment—whether identical or modified—and an undisputed right to appeal. However, neither La. C.Cr.P. art. 878.1 nor any jurisprudence requires vacatur of a previously imposed life sentence as a precondition to conducting a *Miller* hearing or rendering an appealable ruling.⁴

Article 878.1 is directed solely at determining whether a juvenile homicide offender’s life sentence should include the possibility of parole. The scope of review following such a hearing is therefore limited to the parole eligibility determination itself. Viewed in this context, there is little substantive distinction between Relator and similarly situated defendants whose sentences were formally vacated and then reimposed following a *Miller* hearing, particularly where the outcome is the same. The difference lies only in the procedural mechanism employed by the trial court—not in the nature or finality of the ruling rendered.

⁴ See *State v. Hauser*, 19-341 (La. App. 3 Cir. 12/30/19), 317 So.3d 598, writ denied, 20-429 (La. 7/2/20), 297 So.3d 730, and writ denied, 20-418 (La. 7/2/20), 297 So.3d 764, cert. denied, 142 S.Ct. 70, 211 L.Ed.2d 10 (2021), where the defendant argued the trial court erroneously failed to vacate his life sentences under *Miller* and the Third Circuit found no merit to the claim, stating the “trial court’s sole purpose was to determine whether Defendant’s mandatory life sentences were to be served with or without parole eligibility.” *Id.* at 612. Notably, although the life sentence remained unchanged after the *Miller* hearing, the defendant still obtained appellate review of it, and the Third Circuit ultimately found an abuse of discretion. *Id.* at 623.

Accepting the trial court's position would create a structural asymmetry with no principled justification: grants of parole eligibility would be appealable by the State, as confirmed in *Craig*, while denials of parole eligibility would be insulated from appellate review whenever the trial court elects not to vacate the original sentence. Such a result would undermine the constitutional protections recognized in *Miller* and *Montgomery* and render illusory the "worst offender" standard codified in La. C.Cr.P. art. 878.1(D). Appellate review is essential to ensure that the trial court correctly determined whether a defendant falls within the narrow category of "the worst offenders and the worst cases" for whom permanent denial of parole eligibility is constitutionally permissible.

The denial of parole eligibility in the instant case, rendered after a full evidentiary hearing, constitutes a definitive and final ruling on a retroactive parole eligibility determination under La. C.Cr.P. art. 878.1(B)(1). Although Relator's sentence did not change as a result of the *Miller* hearing, the trial court's ruling conclusively resolved the matter of parole eligibility. Given the limited purpose of Article 878.1 and the case law recognizing appellate rights flowing from parole eligibility determinations, a trial court's ruling which maintains the same sentence does not bar appellate review. Accordingly, we find that the trial court erred in denying Relator the right to an appeal.

DECREE

For the foregoing reasons, we grant the writ application, reverse the trial court's order, and remand the matter with instructions to the trial court to grant Mr. Bridgewater's appeal.

**WRIT GRANTED; REVERSED; REMANDED
WITH INSTRUCTIONS**

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
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JUDGES



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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **APRIL 27, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-KH-593

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE DONALD L. FORET (DISTRICT JUDGE)

HONORABLE JOHN E. LEBLANC (DISTRICT JUDGE)

HANNAH P. VAN DE CAR (RELATOR)

DARREN A. ALLEMAND (RESPONDENT)

THOMAS J. BUTLER (RESPONDENT)

MAILED

NO ATTORNEYS WERE MAILED