S-22-0719 *Justeen Williams* (Appellant) *v. Scott Frakes, in his official capacity as Director, Nebraska Department of Correctional Services, et al.* (Appellee)

Appeal from District Court for Lancaster County, Judge Kevin R. McManaman

Attorneys: Gerald L. Soucie (Soucie Law Office for Appellant) and James D. Smith (Sr. Asst. Attorney General for Appellee)

Civil: Declaratory Judgment and Subject Matter Jurisdiction

When Williams was seventeen years old, she was found guilty of first-degree murder and was sentenced to life in prison. After she was sentenced to life in prison, the United States Supreme Court decided *Miller v. Alabama*, 567 U.S. 460 (2012). In that case, the United States Supreme Court held that mandatory life imprisonment without parole for people younger than eighteen (18) years of age at the time of their crimes violates the prohibition against cruel and unusual punishment under the Eighth Amendment to the United States Constitution. Due to the *Miller* decision, Williams was resentenced to sixty (60) to eighty (80) years in prison with credit given for time she had already served. In February 2022, Williams filed a petition in the District Court for Lancaster County and alleged that Nebraska Department of Correctional Services miscalculated her tentative release date. In that petition, she contended that she should be released three (3) years earlier than as determined by Nebraska Department of Correctional Services. The District Court for Lancaster County dismissed Appellant’s case for lack of subject matter jurisdiction, which means that the trial court found that it did not have authority to decide the case. Williams appealed and filed a Petition to Bypass the Court of Appeals, which the Supreme Court granted and ordered this matter transferred to its docket.

As condensed and consolidated, the Williams argues in her appeal that the District Court for Lancaster County erred in finding that it lacked authority (subject matter jurisdiction) to hear this case under a state and federal law. The State answers and asserts that the District Court for Lancaster County’s decision correctly applies the law, so the Supreme Court should affirm that decision. Both parties have had the opportunity to file briefs with the Nebraska Supreme Court, so the case is now ready to be argued. Each party will have ten minutes to argue the case before the Supreme Court and to answer questions from Supreme Court Justices.