

STATE OF NORTH CAROLINA BY: B. Cooper IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY SUPERIOR COURT DIVISION
23CRS39223, 41757, 60, 61, 65, 67, 68

STATE OF NORTH CAROLINA)
)
v.) ORDER
)
AUSTIN DAVID THOMPSON,)
Defendant)

THIS MATTER came before the undersigned for sentencing following the plea of guilty by the Defendant to each of ten (10) charges, as indicted, with no offer or plea arrangement with the State. On January 21, 2026, Defendant pleaded guilty to five (5) counts of first degree murder, two (2) counts of attempted first degree murder, two (2) counts of assault with a deadly weapon with intent to kill inflicting serious injury, and one (1) count of assault on a law enforcement officer with a firearm. The court accepted the plea and ordered it recorded. Thereafter, as reflected in an order entered by the undersigned on January 26, 2026, the court found that the factual basis for Defendant's guilty plea to each of the five counts of first degree murder supported a finding of malice, premeditation and deliberation. The Defendant was fifteen years of age at the time of the offenses. Thus, N.C. Gen. Stat. § 15A-1340-19B(a)(2) required the court to conduct a hearing to determine whether Defendant should be sentenced to life imprisonment without parole or a lesser sentence of life imprisonment with parole. The sentencing hearing commenced February 3, 2026 and concluded February 13, 2026. A total of 39 witnesses testified, and victim impact statements were received.

At the conclusion of the hearing, the court entered judgment. The court imposed five consecutive sentences of life without the possibility of parole upon Defendant for the five first degree murder offenses, as well as a consecutive sentence of 157-201 months for the consolidated offenses of attempted first degree murder and assault with a deadly weapon with intent to kill inflicting serious injury, and a consecutive sentence of 175-201 months for the consolidated offenses of attempted first degree murder, assault with a deadly weapon with intent to kill inflicting serious injury, and assault on a law enforcement officer with a firearm. The court now enters findings and conclusions in support of the judgments entered. Counsel for the State and Defendant have stipulated to the entry of a written order out of session and out of term.

Findings of Fact

1. On October 13, 2022, after what appeared to be a normal day of school, Defendant returned to his home in the Hedingham neighborhood in Raleigh, North Carolina. He and his brother, 16 year old James, were alone at home, and for some time played video games.
2. At 4:20 in the afternoon, Defendant went to another room in the residence, retrieved a .22 caliber rifle, and shot his brother James in the back of the head. There was no indication that James had any foreknowledge of the assault.

3. Although James was grievously injured, he was still alive. Defendant dragged his brother into a bathroom and then took a knife and inflicted 57 sharp force injuries upon his brother, mostly in the neck area. The medical examiner counted 49 stab wounds and several incised, or slashing, wounds. The stabbings caused severe damage to James' carotid artery, jugular vein, and vocal cords, and were forceful enough to damage the vertebrae in James' neck. About 10 minutes after being shot, and following the stabbing, James succumbed to his injuries.
4. Over the next 30 minutes, Defendant went through his house and collected items that he would soon use to commit additional murders. He collected the firearms stored in the house and laid them out on beds as if taking an inventory of the most suitable weapons available for his use. He also gathered hundreds of rounds of ammunition of various calibers – including .00 buckshot shotgun shells and 9mm bullets - in boxes that were laid out by Defendant alongside the firearms. He repackaged ammunition for the firearms he selected into Ziplock bags.
5. Defendant changed from the clothes he had worn to school into full camouflage gear and packed a large backpack. The backpack contained multiple bottles of water, prepackaged food, a change of clothes, over \$700 in cash, dozens and dozens of rounds of ammunition packed in Ziplock bags, fire starters, a first aid kit, hunting-type face paint, multiple knives,

and toilet paper. He selected two firearms – a shotgun capable of holding five shells, and a 9mm handgun with several extra loaded magazines.

6. Defendant wrote a two-page note that he left at his home on his bed beside the firearm used to kill James. In the note, Defendant wrote the following:

The reason I did this is because I hate humans they are destroying the planet/earth; [k]illed him at 4:20 about (5 minutes off maybe); he kept breathing so I stabbed him stopped breathing about 10-15 minutes later; I don't have a goal; I'm not suicidal; death is like sleep that's why I don't care if I die; I was never bullied or anything by dad; I don't like you mom; Every other family member is good; Thanks Juan and Deangelo for taking me hunting; I don't want to die but it is going to happen anyway; You were the best dad; I was never bullied in school either (cops); I killed James because he would get in my way; I killed James with a subsonic .22 I stole from Cabelas; I have no regrets; I'm not mental either I was sane when I did this.

7. Defendant wrote a second note that he left near the bathroom door behind which James lay dead. The note read: "James dead inside don't look." With the note was the spent Subsonic .22 shell cartridge used to kill James.

8. At 5:08 p.m., approximately 48 minutes after shooting James, Defendant emerged from his home, now wearing full camouflage clothing, and carrying the backpack, weapons and ammunition.
9. Nichole Connors and Lynn Garner, neighbors of Defendant, had returned from a birthday celebration and were preparing to walk their dogs. Moments after they passed in front of Defendant's home, Defendant is seen in Ring camera footage walking briskly in a crouched fashion towards the women and, as he nears them, he raised the shotgun and took aim. Moments later, the Ring camera audio recorded sounds of gunshots consistent with five shotgun blasts, and then handgun shots.
10. Ms. Connors was found on her porch shortly thereafter by her husband. She had died from shotgun wounds to her chest, breast and arm area, as well as a single handgun bullet wound to the back of her head. Her dog, also shot by a handgun, was also found dead beside her.
11. Ms. Garner survived the shooting and was found on the walkway near Ms. Connors. She suffered serious injuries to her face, abdomen and chest from shotgun blasts requiring months of recovery in the hospital. She described her assailant as a young man in camo, and as he was standing over her, she cried out and asked why he was doing this to them.
12. Five spent shotgun shell casings were found at that scene, as well as two spent 9mm cartridge casings.

13. Two minutes later, around 5:10 p.m., video footage captures Defendant moving through the neighborhood towards the cul-de-sac of Osprey Cove Drive. Defendant was walking, or jogging, at a brisk pace and then slowed as he approached a vehicle in a driveway occupied in the driver's seat by Gabriel Torres. Mr. Torres was an officer with the Raleigh Police Department and, although unarmed, not in uniform, and in a civilian vehicle, was leaving his house to go to work that evening. He was on his phone talking to his wife and five year old daughter and waiting for them to pull up to the house in their vehicle so he could kiss his daughter and tell his wife goodbye.
14. Defendant walked to the front of Mr. Torres' car and fired a shotgun round directly through the front of the windshield and then moved to the passenger side and fired two more shots.
15. Mr. Torres was struck three times by shotgun blasts fired by Defendant. He succumbed to his injuries, having suffered close-range gunshot wounds to his chest, neck and shoulder areas. He was discovered in that condition by his wife, who drove up shortly after the shooting.
16. Defendant then walked towards a greenway. There, Defendant encountered Mary Marshall, who was trying to recover her dog that had gotten loose. Ms. Marshall was later found by other individuals who were traveling on the greenway on bicycle and foot. She was facedown, unconscious, with her dog by her side. She had suffered at least two

gunshot wounds inflicted by Defendant to her head and neck area, causing severe facial and brain injuries, and another to her shoulder and neck from slightly behind her right shoulder. One spent shotgun shell was found at that location. Ms. Marshall died as a result of her injuries.

17. Further on the greenway, the body of Susan Karnatz was found. Ms.

Karnatz was an avid jogger out on her daily jog. Ms. Karnatz suffered three shotgun wounds inflicted by Defendant, resulting in mortal injuries to the top of her head, her chin, and her neck and head area. Four spent cartridges were found in that area.

18. Defendant, after making his way further down the greenway and crossing the Neuse River, left the paved trail and entered a heavily wooded area where he traveled for some distance in an effort to avoid apprehension. At various points along his path, Defendant was required to leave the dense woods, and at one such point he was observed on video walking normally, at a normal pace, apparently unflustered, and carrying the long gun. He had an interaction with a resident, and is heard saying "Hey, there's shooting going on over there" pointing back in the direction from which he had come. He then returned to the cover of the woods.

19. Shortly thereafter, law enforcement was notified that Defendant had been spotted on a roadway, and officers mobilized in that area. At a residence with several outbuildings, law enforcement officers and a police canine were in the process of searching the outbuildings when a shot was fired by

Defendant from another outbuilding in which he was hiding. The shot struck Officer Casey Clark in the knee, causing permanently debilitating injury.

20. Defendant refused commands to put down his weapon and fired at least four shotgun blasts from his position. He aimed one of the shots at himself, resulting in a serious gunshot wound to his head and causing traumatic brain injury.

21. Eventually, with the use of a robot, Defendant was pulled out of the building and separated from his weapons. Emergency medical care was administered to Defendant, and he was transported to the hospital.

22. Four spent shell casings were found at that location. The shotgun, Defendant's backpack, the 9mm handgun with three extra magazines, and multiple rounds of ammunition were recovered.

23. By all accounts from Defendant's parents and teachers, Defendant, prior to committing these murders, was an intelligent and inquisitive person. He was enrolled in 9th grade at Knightdale High School. He performed well academically and had no history of disciplinary problems either at school or at home. He suffered no apparent mental health deficits, no developmental disabilities, or health issues. He denied any history of abuse of alcohol or illicit substances, and no evidence was found suggesting otherwise. He was raised in a home with two loving parents. He had no prior history of criminal charges or adjudications.

24. Defendant's self-inflicted gunshot wound to the head left him critically wounded with massive injury to the frontal lobes of his brain. He was hospitalized as an inpatient for an extended time, during which time he was repeatedly seen for neuropsychological testing, which demonstrated severe neurocognitive impairment, including near-global amnesia for the events that led to his arrest. Defendant exhibited gradual improvement in his medical condition, although given the severe extent of his traumatic brain injury, continued neurocognitive deficits have persisted. While initially Defendant was viewed as being incompetent to proceed in the judicial process, by March 2023, following an evaluation at Central Regional Hospital, Defendant was reported as having regained the capacity to proceed. The traumatic brain injury and its residual effects on Defendant's memory appears to have limited any detailed self-reporting by Defendant of his state of mind at the time of the murders, and Defendant himself has offered few statements in this regard. Due to his brain injury, he was described by the testifying medical experts as a "limited and potentially unreliable historian regarding certain elements of the history he provided."

25. Following Defendant's apprehension and arrest, law enforcement investigators examined Defendant's mobile phone and other electronic devices.

26. The data extracted from Defendant's electronic devices sheds light on Defendant's state of mind near the time of the murders and the months prior.
27. The internet search histories of Defendant's electronic devices evidence a longstanding and persistent interest in spree shootings, school shootings, mass murders, bomb attacks, assault weapons, and notorious mass murderers.
28. For example, from July 2020 to January 2021, Defendant repeatedly searched for information on Eric Rudolph, who committed bombings of abortion clinics and the 1996 Olympics. His searches sought information on Rudolph's hiding in the mountains, why he bombed, and how did he make his bombs, including searches for images of Rudolph's pipe bombs.
29. From January 2020 to November 2021, Defendant made many, many internet searches researching how to build bombs and explosives. Notes hidden in Defendant's bedroom and found after his arrest included rudimentary schematic drawings of homemade bombs of various designs, such as ones detonated by a trip wire, or by a phone, or upon opening a package, or a pipe bomb. He wrote detailed handwritten recipes for the manufacturing of explosives like ANFO and dynamite.
30. For the two years leading up to just a few days before Defendant's October 13, 2022 murders, Defendant consistently conducted internet searches on mass shootings and school shootings, including searches for the fastest

school shooting, the deadliest school shooting, the deadliest middle school shooting, all school shootings done with a pistol, and a list of school shootings that killed ten people or more.

31. In the two month period immediately prior to the murders, Defendant's searches became more prescient. During this 60 day timeframe, Defendant queried whether someone can talk if their voice box is cut out, do most people scream after being stabbed in the neck, can you hear someone shoot a .22 inside their home, and how fast does a .22 have to go to penetrate a skull. On August 30, 2022, Defendant searched "humans destroying the planet" and on September 26, 2022, Defendant also searched for "mass shooters who hate humans." He queried "how much does 100 shotgun shells weigh." On October 1, 2022, he asked "how deadly is 00 buckshot?" and, on the same day "do police go into the woods by themselves to pursue someone?"

32. These internet searches, namely the evidence of the research and planning conducted by Defendant in the months, and most notably in the 60 days immediately prior to October 13, 2022, are closely mirrored in the actions carried out by Defendant on that day. Notably:

- a. After seven months of researching Eric Rudolph, who was a mass murderer who committed acts of terror and evaded capture for many months by hiding in the woods, on October 13, Defendant

packed a survival backpack and headed into the deep woods after committing mass murder.

- b. After researching the lethality of 00 buckshot, on October 13, Defendant chose that as his instrument for murder.
- c. After researching the weight of 100 shotgun shells, on October 13, Defendant packed approximately 100 shotgun shells to carry with him for his escape.
- d. After researching whether one could hear a .22 fired inside a house, on October 13, Defendant shot his brother with a .22 inside their house.
- e. After researching whether someone could talk if their voice box is cut and whether a person screams when stabbed in the neck, on October 13, Defendant stabbed his brother in the neck over 50 times and a reasonable inference from the evidence is that he attempted to cut James' voice box.
- f. After researching mass shooters who hate humans and humans destroying the planet, on October 13, Defendant wrote in a note he left after murdering James saying that Defendant hated humans because they were destroying the planet.

33. The data extracted from Defendant's electronic devices also reflects that Defendant researched the risks and consequences of committing mass shootings, as well as other crimes. A frequent research topic of

Defendant's internet queries related to the consequences for various categories of criminal conduct – homicide, rape, bank robbery, assault. Indeed, in the months prior to the murders, Defendant researched “can juveniles get life without parole” and “how many years is a life sentence without parole.”

34. Finally, the written evidence Defendant left on the day of the murders, namely the note found at Defendant's home written after he had killed his brother, stands as a manifesto of sorts giving insight into Defendant's contemporaneous state of mind. Defendant's statements made in the note about his intent, means, mental status, and lack of provocation, support findings that Defendant's conduct was deliberate and premeditated and that he clearly understood the risks associated with his planned and intended course of criminal conduct, including life imprisonment or his own death. Further, the note reflects Defendant's desire to document the intentionality of his criminal actions, his lack of regret, his motive, and to negate defenses such as insanity, suicidal ideations, bullying or other factors which might be used to excuse his conduct.

35. The evidence establishes that for a year prior to October 13, 2022, Defendant was prescribed minocycline, an antibiotic commonly used for the treatment of acne. Minocycline has been widely used and prescribed for over 50 years. Dr. George Corvin, an expert accepted by the court in the field of forensic psychiatry, noted that an “uncommonly observed side

effect” is an association of minocycline with a “range of neuropsychiatric side effects up to and including periods of confusion/dissociation.” He noted that Defendant had no other known risk factors for such episodes, nor had he experienced any such symptoms previously. Dr. Corvin posited that Defendant’s conduct and writings, coming from an otherwise more or less “normal” adolescent male, “elevates concern” that his conduct may have been influenced by a medication related side effect, i.e. dissociative symptoms.

36. Dr. Corvin qualified this concern by adding: “unfortunately, given the severely limited data set available for consideration regarding his state of mind on the date in question, [he] is unable to offer an opinion with a reasonable degree of medical certainty as to whether or not Mr. Thompson was experiencing dissociative symptoms on the date in questions, but these observations are offered for consideration of the trier of fact in the hope that they will be of assistance during the disposition of his charges.”

37. Dr. Nouredine was also accepted by the court as an expert in forensic DNA and serology. He undertook to answer the question of whether Defendant’s ability to metabolize minocycline could have been altered by his genetic background and consequently increased his risk of experiencing side effects. Dr. Nouredine explained that minocycline, like most drugs, is metabolized by subunits of the liver cytochrome P450 system. He further explained that specifically, subunit CYP3A4 of the P450

cytochrome is involved in the metabolism of minocycline. He hypothesized, therefore, that perhaps Defendant had a genetic deficiency in the CYP3A4 subunit that would impair his ability to metabolize minocycline, thereby making him more susceptible to its side effects.

38. His experiment did not prove his hypothesis, but in fact proved the opposite. After extracting Defendant's DNA and having it forensically analyzed, Dr. Nouredine found that Defendant had a normal CYP3A4 subunit and hence no scientific evidence of a genetic inability to metabolize minocycline. Based upon that, Dr. Nouredine could only speculate that perhaps "future clinical and genomic studies" will "shed more light" on whether any other features of Defendant's DNA profile might increase his risk of minocycline side effects.

39. The court also finds, based upon the testimony of Dr. Corvin and Dr. Nouredine, that the risk of a dissociation side effect from minocycline is infinitesimally rare. In the 55 year history of the widespread usage of the drug, only 2 cases are reported with any detail in published medical studies, and perhaps 40 cases of depersonalization/derealization disorders associated with persons taking minocycline have been tallied, without any accompanying data, on a website maintained by the World Health Organization. Dr. Nouredine said that of the very few cases of dissociation reported, it was more prevalent in females and occurred within several days of starting to take minocycline. Moreover, neither

expert was aware of any connection between the dissociation attributed to minocycline and any violence, homicide or criminal conduct.

40. In evaluating expert opinions, the court, as the finder of fact, is not required to accept an expert witness's opinion to the exclusion of the facts and circumstances disclosed by other testimony. The court must evaluate the reasons, if any, given for the opinion; whether the opinion is supported by facts that the court finds from the evidence; whether the opinion is reasonable; and whether it is consistent with other believable evidence in the case. Here, the court finds and concludes that the theory that Defendant was overtaken by dissociation on October 13, 2022, at the time he committed the murders is belied by the other facts established in this case, including the months of research, planning, and preparation conducted by Defendant both before and after he was prescribed minocycline; the methodical and deliberate conduct displayed by Defendant before, during and after the killings, the video footage of Defendant during the course of his rampage, and the written record of defendant's thoughts and actions. The court finds that the theory of minocycline-induced dissociation is not supported by the evidence and is rejected by the court.

41. While incarcerated at Cumberland Regional Juvenile Detention Center in Fayetteville, North Carolina, awaiting disposition of these matters, Defendant has displayed overall good conduct. Defendant obtained his

high school diploma while in custody. His self-inflicted head wounds have healed to the point where his cognitive function, as measured by the *Wechsler Intelligence Scale for Children (5th Edition)* rose from “very low range of functioning (FSIQ=73; 4th percentile) in March 2023 to “average range (FSIQ-91, 27th percentile) when measured again in September 2024. Follow-up neurological evaluations revealed continued improvement of his previously observed neurocognitive impairments, and his diagnosis was updated in an October 2025 report to Mild Neurocognitive Disorder due to Traumatic Brain Injury without Behavioral Disturbance. The 2025 report also noted that Defendant may achieve further improvements in his higher order executive capacities (frontal lobe functioning), concluding that “his trajectory to date suggests strong potential for ongoing improvement in self-regulation, social reasoning, and impulse control, particularly with continued structure, guidance, and opportunity for age-appropriate learning and decision making experience.”

42. Dr. Jennifer L. Sapia, Ph.D. performed a forensic psychological evaluation of Defendant in late 2025 and prepared a report and testified on behalf of Defendant at his sentencing hearing.

43. She noted that Defendant, at the time of the murders, was 15 years old. She further explained that juvenile brains are far different from adult brains, both structurally and chemically, and the prefrontal cortex, the command center of the brain, which houses the executive function skills or

higher order thinking and reasoning abilities, is the last to mature. Consequently, she opined that Defendant was “not equipped to think, reason and make decisions with a future orientation like an adult.” She explained that for this reason, adolescences is a period where individuals are predisposed to impulsive, irresponsible and poor decision making, which she said are “distinguishing characteristics of adolescence and expected during this transient period of significant brain growth.”

Behavior marked by increased impulsivity and riskier decision-making is “temporary and developmentally expected” and for most young adults “fleeting.” This, she said, is why “criminal misconduct [of juveniles] usually reflects the transient immaturity of youth rather than ‘permanent incorrigibility’ and also highlights the capacity for growth and change.”

44. The court finds, however, from the evidence in this case, that the crimes committed by Defendant were the product of months of malice, fantasizing, research, and careful planning and preparation. The crimes were not the product of “transient immaturity,” associated with impulsivity, peer pressure, or poor decision making abilities. Specifically, the court finds that the murders committed by the Defendant were not significantly influenced by, or causally related to, the neurodevelopmental differences of the development of a 15 year old’s brain as opposed to the brain of a fully matured adult.

Conclusions of Law

The Eighth Amendment of the United States Constitution guarantees the right to be free from “cruel and unusual punishments.” The Supreme Court has held that this right “flows from the basic precept of justice that punishment for crime should be graduated and proportioned to both the offender and the offense.” *Miller v. Alabama*, 567 U.S. 460, 469 (2012). Because of the inherent differences between juveniles and adults, “children are constitutionally different from adults for purposes of sentencing.” *Id.* at 471. A sentencing court must “take into account how children are different and how those differences counsel against irrevocably sentencing them to a lifetime in prison.” *Id.* at 480.

The Supreme Court subsequently clarified that *Miller* does not create an outright ban on juvenile life-without-parole sentences, but it does prohibit such sentences “for all but the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility.” *Montgomery v. Louisiana*, 577 U.S. 190, 209 (2016). By adhering to a “discretionary sentencing procedure – where the sentencer can consider the defendant’s youth and has discretion to impose a lesser sentence than life without parole – itself makes life-without-parole sentences ‘relatively rare.’” *Jones v. Mississippi*, 593 U.S. 98, 113 (2021). Foundationally, *Miller* and its Supreme Court progeny permit sentences of life without parole for juvenile murderers provided the sentencing court (1) considers a defendant’s youth in mitigation, and (2) has discretion to impose a punishment other than life without parole. *State v. Sims*, 387 N.C. 349, 356 (2025).

To ensure juvenile sentences comply with the consideration and discretion required by *Miller*, the North Carolina General Assembly codified *Miller* factors in N.C.G.S. § 15A-1340.19B. *Sims*, 387 N.C. at 356. When a juvenile has been convicted of first-degree murder on the theory of premeditation and deliberation, the sentencing court must conduct a sentencing hearing to determine whether a sentence of life without parole is warranted. N.C.G.S. § 15A-1340.19B(a)(2). At this hearing, [t]he defendant or the defendant's counsel may submit mitigating circumstances to the court, including, but not limited to, the following factors:

- (1) Age at the time of the offense.
- (2) Immaturity.
- (3) Ability to appreciate the risks and consequences of the conduct.
- (4) Intellectual capacity.
- (5) Prior record.
- (6) Mental health.
- (7) Familial or peer pressure exerted upon the defendant.
- (8) Likelihood that the defendant would benefit from rehabilitation in confinement.
- (9) Any other mitigating factor or circumstance.

N.C.G.S. § 15A-1340.19B(c). A sentencing court is required to "consider any mitigating factors" presented, and its sentencing order "shall include findings on the absence or presence of any mitigating factors and such other findings as the court deems appropriate." N.C.G.S. § 15A-1340.19C(a) (2023). To comply with the Eighth Amendment, a sentencing court must follow this process, "considering an offender's youth and attendant characteristics—before imposing" a particular penalty.

Sims, 387 N.C. at 356, *citing Jones*, 136 S. Ct. at 1311 (2021) (quoting *Miller*, 567

U.S. at 483); *United States v. Holt*, 116 F.4th 599, 607 (6th Cir. 2024) ("If sentencing courts consider a juvenile defendant's youth as one factor in the sentencing calculus, *Miller* does not prohibit the court from imposing a life sentence as a 'discretionary' matter.").

Notably, in *Sims*, the North Carolina Supreme Court made it clear that "the inquiry is not whether a defendant is permanently incorrigible or irreparably corrupt; nor is it potential for redemption." 387 N.C. at 362. The *Sims* Court explained that the Supreme Court in *Miller* stated that life without parole should be reserved for "the rare juvenile offender whose *crime* reflects irreparable corruption." *Id.* *Montgomery* thereafter confirmed that *Miller* prohibited life without parole "for all but the rarest of juvenile offenders, those whose *crimes* reflect permanent incorrigibility." *Id.* at 362, citing *Montgomery*, 577 U.S. at 209 (emphasis original in *Sims*). The Court further explained:

Just as the discretion invested in sentencing courts protects against what could be considered overutilization of life without parole sentences, so too the *Miller* fix process puts the focus on the juvenile and his crimes by considering the mitigating circumstances of youth. There is no separate requirement that a sentencing court make a finding the murderer is permanently incorrigible or irreparably corrupt. We know this because the Supreme Court explicitly stated such. *See Jones*, 141 S. Ct. at 1322. ("*Miller* and *Montgomery* ... [squarely rejected the argument] that the sentencer must make a finding of permanent incorrigibility...."). Thus, under *Miller*, *Montgomery*, and *Jones*, the Eighth Amendment does not require a sentencing court to make a separate finding that a juvenile is permanently incorrigible or irreparably corrupt to impose a sentence of life in prison without parole. *See id.* at 1320 ("*Miller* did not say a word about requiring some kind of particular sentencing explanation with an implicit finding of permanent incorrigibility, as *Montgomery* later confirmed."). *See also United States v. Holt*, 116 F.4th 599, 608 (6th Cir. 2024) (In *Jones*, "the Court disavowed [defendant's] view that . . .

an express incorrigibility finding before imposing a life sentence" is required.); *United States v. Briones*, 35 F.4th 1150, 1157 (9th Cir. 2021) ("permanent incorrigibility is not an eligibility criterion for juvenile LWOP" under *Jones*); *Crespin v. Ryan*, 56 F.4th 796, 799 (9th Cir. 2023) (*Jones* specifically assessed "whether a sentencer must actively find a juvenile permanently incorrigible before imposing an LWOP sentence. The Supreme Court clarified that no fact-finding requirement exists[.]" (cleaned up)); *Helm*, 112 F.4th at 687 (*Miller* "does not require that a state court's weighing of the mitigating factors associated with youth be conducted in accordance with any particular substantive criteria of incorrigibility."). *Id* at 362.

Rather, a sentencing court must simply consider youth and its attendant circumstances in light of the defendant's crime. *Miller* requires no more. Judges do not engage in predictive analytics or employ redemption anticipation algorithms to gauge whether a defendant will remain incorrigible or corrupt into his seventies; nor should we. To the contrary, sentencing courts must merely apply the straightforward language of our *Miller*-fix statute and exercise discretion in handing down an appropriate sentence to comply with the Eighth Amendment and, by extension, Article I, § 27 of our state constitution. *See Tirado*, 2025 N.C. LEXIS 67, slip op. at 42. *Id* at 363.

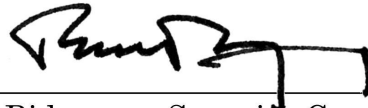
In this case, the defendant is guilty of five (5) counts of first degree murder, two (2) counts of attempted first degree murder, two (2) counts of assault with a deadly weapon with intent to kill inflicting serious injury, and one (1) count of assault on a law enforcement officer with a firearm. The court has conducted a thorough sentencing hearing over the course of two weeks where Defendant was given the full opportunity to submit mitigating circumstances to the court. The court has considered the defendant's youth and the attendant circumstances of this case and has specifically considered each of the factors listed in N.C.G.S. § 15A-1340.19B(c) as well as any other mitigating circumstance brought to the court's attention, such as whether Defendant's mental state was affected by a rare side

effect of acne antibiotic medication. The court has entered detailed findings of fact set forth above -- finding that certain mitigating factors existed and rejecting others -- and has weighed those factors.

After careful consideration, the court concludes that Defendant is a juvenile offender whose crimes reflect permanent incorrigibility and irreparable corruption. In the court's discretion, the court imposes sentences of life without the possibility of parole for each of the five counts of first degree premeditated murder.

SO ORDERED, this date: 4/10/2026

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Paul C. Ridgeway, Superior Court Judge

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