

**STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE
19TH JUDICIAL DISTRICT COURT**

STATE OF LOUISIANA

v.

DALE CRAIG

Docket No. 09-92-0884

Criminal Section 4

Chief Judge Donald R. Johnson

THE STATE'S MOTION TO REINSTATE DEATH SENTENCE

The State of Louisiana respectfully moves to reinstate Defendant Dale Craig's death sentence for the reasons outlined in the below memorandum of law in support. The State recognizes, however, that current U.S. Supreme Court precedent requires this Court to deny this motion. Accordingly, the State submits this motion for preservation purposes only and asks the Court to summarily dispose of it under binding U.S. Supreme Court precedent.

Dated: August 11, 2025

Respectfully submitted,

ELIZABETH B. MURRILL

/s/ Zachary Faircloth

ZACHARY FAIRCLOTH (La #39875)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served this
11th day of August, 2025, via electronic mail, upon all counsel of record.

/s/ Zachary Faircloth
ZACHARY FAIRCLOTH (La #39875)

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**THE STATE’S MEMORANDUM OF LAW IN SUPPORT OF ITS
MOTION TO REINSTATE DEATH SENTENCE**

The State respectfully moves this Court to reinstate defendant Dale Craig’s death sentence, which was originally entered on October 23, 1994. The State recognizes, however, that the United States Supreme Court’s decision in *Roper v. Simmons*, 543 U.S. 551 (2005), currently bars reinstatement of Craig’s death sentence. Accordingly, the State moves for preservation purposes only, understanding that this Court must deny the State’s request under *Roper*.

* * *

“On September 14, 1992, defendant Dale Dwayne Craig brutally murdered Kipp E. Gullet, an 18 year-old freshman student at Louisiana State University.” *State v. Craig*, 699 So. 2d 865, 866 (La. 1997). Following his theft of Kipp’s Bronco and a period of psychological torture, Craig marched Kipp at gunpoint into “a secluded construction site.” *Id.* at 867. There, Craig struck him with the gun, causing Kipp to fall to the ground “in a fetal position.” *Id.* As Kipp lay there, Craig “knelt at his side and fired three bullets through his head, killing him.” *Id.*

After a trial in 1994, the jury found Craig guilty of first degree murder and “unanimously determined that [he] should receive the death sentence, which the district judge thereafter imposed.” *Id.* at 868. Craig was “eight days away from his eighteenth birthday” when he murdered Kipp. *Id.* at 872. But he was fully an adult. Said Craig to his friends: “I told you I was hard.” *Id.* at 867. And he continued: “I love you all, you are my boys. If you say one f---ing word, I’ll kill you, too.” *Id.* But, he wondered, “should [they] go kill anybody else while they were at it?” *Id.* He “answered his own question”: “No, the game warden might get pissed.” *Id.*

In 2005, the United States Supreme Court decided *Roper*, which held that “[t]he Eighth and Fourteenth Amendments forbid imposition of the death penalty on offenders who were under the age of 18 when their crimes were committed.” 543 U.S. at 578. That holding encompasses Craig, who was technically (eight days) under the age of 18 when he murdered Kipp. Accordingly, two months after *Roper*, Judge Bonnie Jackson resentenced Craig as *Roper* requires—vacating the death sentence imposed on October 23, 1994, and resentencing Craig to life without parole. R.7106.

* * *

The State now respectfully moves this Court to reinstate Craig’s original October 23, 1994, death sentence. The State recognizes that *Roper* prevents the Court from doing so—and thus, the State understands that the Court must deny this motion. The State preserves for appellate review, however, its position that *Roper* is egregiously wrong and should be overruled.

Four Justices agreed in *Roper* itself. *See* 543 U.S. at 606 (O'Connor, J., dissenting) (“[T]he moral proportionality arguments against the juvenile death penalty fail to support the rule the Court adopts today.”); *id.* at 615 (Scalia, J., dissenting, joined by Rehnquist, C.J., and Thomas, J.) (rejecting “the Court’s ‘own judgment’ that murderers younger than 18 can never be as morally culpable as older counterparts” (internal quotation marks omitted)). *Roper* was thus “on shaky ground from the start.” *Ramos v. Louisiana*, 590 U.S. 83, 112 (2020) (Sotomayor, J., concurring).

But *Roper* also bears all the hallmarks of a constitutional precedent that should be overruled: (1) it is egregiously wrong, not least because the quality of its reasoning is exceedingly poor; (2) it has caused significant jurisprudential and real-world consequences, not least because it makes a mockery of justice by allowing Louisiana to execute murderers who had just turned 18, *see State v. Hoffman*, 326 So. 3d 232, 234 (La. 2021); *Hoffman v. Westcott*, 145 S. Ct. 797 (2025), while prohibiting Louisiana from executing murderers like Craig who would turn 18 within a week; and (3) there are no legitimate reliance interests in play, not least because no juvenile murderer can plausibly claim to have relied on *Roper* when committing a heinous murder. *See Ramos*, 590 U.S. at 122–23 (Kavanaugh, J., concurring in part).

Again, the State fully acknowledges that *Roper* bars this Court from considering this argument and granting this motion to reinstate Craig’s original death sentence. Nonetheless, the State submits its position for preservation purposes.

PRAYER FOR RELIEF

The State respectfully requests that this Court reinstate Craig's death sentence. Because *Roper* currently prohibits such reinstatement, however, the State recognizes that the Court is bound to deny this motion.

Dated: August 11, 2025

Respectfully submitted,

ELIZABETH B. MURRILL

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[PROPOSED] ORDER

Considering the foregoing State’s Motion to Reinstate Death Sentence,

IT IS ORDERED that the State’s Motion to Reinstate Death Sentence is

_____ **GRANTED**

_____ **DENIED** as foreclosed by *Roper v. Simmons*, 543 U.S. 551 (2005).

So ordered. Baton Rouge, Louisiana, this ____ day of _____, 2025.

HONORABLE DONALD R. JOHNSON
CRIMINAL SECTION 4
19TH JUDICIAL DISTRICT COURT