

ALITO, J., dissenting

**SUPREME COURT OF THE UNITED STATES**

LARRY LAMONT WHITE *v.* KENTUCKY

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF KENTUCKY

No. 17–9467. Decided January 14, 2019

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the Supreme Court of Kentucky for further consideration in light of *Moore v. Texas*, 581 U. S. \_\_\_\_ (2017).

JUSTICE ALITO, with whom JUSTICE THOMAS and JUSTICE GORSUCH join, dissenting.

The Court grants, vacates, and remands this case in light of *Moore v. Texas*, 581 U. S. \_\_\_\_ (2017). But *Moore* was handed down on March 28, 2017—almost five months before the Supreme Court of Kentucky reached a decision in this case. I would accordingly deny the petition for the reasons previously stated in my dissent in *Kaushal v. Indiana*, 585 U. S. \_\_\_\_, \_\_\_\_ (2018), and in Justice Scalia’s dissenting opinion in *Webster v. Cooper*, 558 U. S. 1039, 1040 (2009).