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November 23, 2022

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S.C. SUPREME COURT

The Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

Re: State of South Carolina v. Jon Smart, Appellate Case No.: 2021-000987

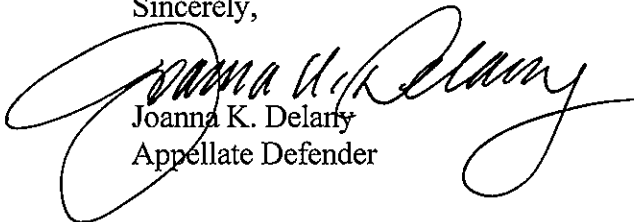
Dear Ms. Howard:

During oral argument in the above-captioned case on November 16, 2022, I was asked by three of the Justices how many of the post-Aiken v. Byars resentencing hearings resulted in sentences of life without parole being issued. I stated during oral argument that I thought five inmates had received life without parole sentences following their post-Aiken v. Byars resentencing hearings.

It appears that number was accurate. However, it is presently unclear whether a sixth inmate, Theodore Harrison, also received a life without parole sentence or if his life sentence was with the possibility of parole according to the previously prepared enclosed chart formulated by the attorneys for the Amicus Curiae in this case, Justice 360.

Thank you for your assistance in this matter, and please do not hesitate to contact me if I may be of any further assistance.

Sincerely,



Joanna K. Delany
Appellate Defender

JKD/kw

Enclosure

cc: Tommy Evans, Jr., Esq.
Hannah Freedman, Esq.
Melissa Anne Inzerillo, Esq.