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STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

STEVE LESTER)

vs)

STATE OF SOUTH CAROLINA,)

RESPONDENT.)

IN THE COURT OF GENERAL SESSIONS

1975 GS-23-0427, 0429 & 0430

B21297, B21298, B212917

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ORDER

THIS MATTER is before the Court on Petitioner's Motion for Resentencing. On March 12, 1975, Steve Lester pled guilty to murder and two counts of armed robbery. He received concurrent sentences of life imprisonment for murder and a fifteen-year sentence on one count of armed robbery and a consecutive fifteen-year sentence on the other count of armed robbery. On February 27, 2019, Petitioner untimely filed this Motion, pursuant to *Miller v. Alabama*, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012) and *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). Although this petition may and, in fact, must be denied on that basis, this Court also denies Petitioner's motion on its merits.

In *Miller*, the United States Supreme Court held that mandatory sentences of life without the possibility of parole for juveniles violate the Eighth Amendment. The South Carolina Supreme Court, in *Aiken*, held that juveniles who received a sentence of life without the possibility of parole are entitled to move for resentencing and created an "affirmative requirement that courts fully explore the impact of a defendant's juvenility on the sentence rendered." *Aiken*, 410 S.C. at 543, 765 S.E.2d at 577. Pursuant to South Carolina law at the time of his offense and sentencing, Petitioner became parole eligible after serving ten years of his

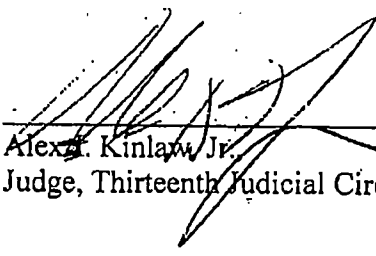
¹ By Order of the South Carolina Supreme Court, individuals sentenced prior to July 23, 2015, were given one year from that date in which to file a motion for resentencing pursuant to *Aiken*.

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life sentence. In fact, Petitioner's first parole hearing² was on November 14, 1984, only ten years into his sentence, and he is therefore not entitled to the resentencing hearing required by *Miller* and *Aiken*. Based on this finding, the Court vacates its previous order that this matter be set for a hearing on the merits.

THEREFORE, Petitioner's Motion for Resentencing is respectfully DENIED.

IT IS SO ORDERED.


Alex Kinlaw Jr.
Judge, Thirteenth Judicial Circuit

November 9, 2023
Greenville, South Carolina

² As of the date briefs were filed by the parties in 2021, Defendant had received a total of nineteen parole hearings.