

**RECEIVED**

**May 07 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

---

STEVE LESTER,

APPELLANT,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001900

---

RECORD ON APPEAL

---

SARAH E. SHIPE  
Appellate Defender

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Attorney General

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
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ATTORNEYS FOR RESPONDENT

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ZB-16233

**Witnesses**

Lt. W. T. Greene

Det. Division-Sheriff's Off.

County of Greenville

The State of South Carolina

75 G S 23-427  
Mue Poll # 838-317

**COURT OF GENERAL SESSIONS**

March 10 Term, 1975  
W# 21299

**THE STATE**

Bond: Jail

MAR 12 1975  
GUILTY  
sent 3-13-75

Steven Lester

Joe Martin

Mitchell Sloan

Armed Rob

**Verdict**

**INDICTMENT FOR**

Armed Robbery.

Robbery and Grand Larceny

Foreman

Foreman of Grand Jury

MICROFILMED  
# 32

ZB-16233

NOW COMES THE DEFENDANT

Steven Lester, Joe Martin, Mitchell Sloan

Who in open Court pleads guilty to the within indictment:

Armed Rob.

and consents to sentence this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

W. Tolly  
Clerk of Court

Presiding Judge

MAR 13 1975

Let the within defendant Steven Lester be confined

in the custody of the State Board of Corrections for a period of 15 years

pay a fine of \_\_\_\_\_ Dollars.

Suspended upon \_\_\_\_\_

MAR 12 1975

Presiding Judge

Joe Martin  
be confined

Let the within defendant

in the custody of the State Board of Corrections for a period of 15 years

pay a fine of \_\_\_\_\_ Dollars

Suspended upon \_\_\_\_\_

MAR 13 1975

Presiding Judge

Let the within defendant Steven Lester be confined in the custody of the State Board of Corrections for a period of 15 years.  
No fine.  
Suspend upon \_\_\_\_\_ Dollars

pay fine of \_\_\_\_\_ Dollars

W. Tolly  
Clerk of Court

Presiding Judge

W. Tolly  
Presiding Judge

**The State of South Carolina**

County of Greenville

**INDICTMENT FOR ARMED ROBBERY,  
ROBBERY AND GRAND LARCENY**

At a Court of General Sessions, convened on the 10th day of March,  
19 74, the Grand Jurors of Greenville County present upon their oath:

**COUNT ONE—ARMED ROBBERY**

That Steven Lester, Joe Martin and Mitchell Sloan  
did in Greenville County on or about the 7th day of November,  
19 74, while armed with a deadly weapon, to wit: a gun,  
feloniously take from the person in the presence of Randy Coleman

by means of force or intimidation goods or monies of the said Randy Coleman,  
such goods or monies being described: watch, cash money of the U. S.

**COUNT TWO—ROBBERY**

That Steven Lester, Joe Martin and Mitchell Sloan  
did in Greenville County, on or about the 7th day of November,  
19 74, feloniously take from the person or presence of Randy Coleman  
by means of force or intimidation goods or monies of the said Randy Coleman,  
such goods or monies being described: watch, cash money of the U. S.

**COUNT THREE—LARCENY**

That Steven Lester, Joe Martin and Mitchell Sloan  
did in Greenville County on or about the 7th day of November,  
19 74, feloniously take and carry away the goods and monies of Randy Coleman  
of a value of more than \$50.00  
described: watch, cash money of the U. S.  
with intent to deprive the owner permanently of such goods and monies.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

*William A. Wilkins, Jr.*  
Solicitor

Doc Roll #898-331

75 G S 23-429

The State of South Carolina

County of Greenville

Witnesses

Yanoy Williams, Det.  
Sheriff's Office

COURT OF GENERAL SESSIONS

March 10 Term, 1975

W# B22917

VS. THE STATE

MAID GUILTY *Count 1* T-3-13-75

Steve Lester ✓ 11/8/74 248-15-8549

Stanley Taylor *Armed Rob.*

Mitchell Sloan ✓ W.P.

MAR 13 1975  
NOL PROCEED

Verdict

INDICTMENT FOR

Armed Robbery,  
Robbery and Grand Larceny

Foreman

Foreman of Grand Jury

MAKING PRINTS AND DRAWING ST. COLUMBIA, S. C. 29205

MICROFILMED

286233

2616233

NOW COMES THE DEFENDANT

*Steven Lester; Mitchell Sloan*

Who in open Court pleads guilty to the within indictment:

*Armed Rob*

and consents to sentence this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

ATTEST: *Nathel W. Tolly*  
Clerk of Court

*Steve Lester* MAR 12 1975

Let the within defendant *Steven Lester*

be confined

In the custody of the State Board of Corrections  
for a period of *15 years consecutive*

pay a fine of \_\_\_\_\_ Dollars.

Suspended upon \_\_\_\_\_

MAR 12 1975

Presiding Judge

Let the within defendant *Mitchell Sloan* be confined  
in the custody of the State Board of Corrections  
for a period of \_\_\_\_\_  
Suspended upon \_\_\_\_\_  
Dollars  
Presiding Judge

*copy  
copy  
copy*

**The State of South Carolina**

**INDICTMENT FOR ARMED ROBBERY,  
ROBBERY AND GRAND LARCENY**

County of Greenville

At a Court of General Sessions, convened on the 10th day of March,  
19 74, the Grand Jurors of Greenville County present upon their oath:

**COUNT ONE—ARMED ROBBERY**

That Steve Lester, Stanley Taylor, Mitchell Sloan  
did in Greenville County on or about the 16th day of October,  
19 74, while armed with a deadly weapon, to wit: a pistol,  
feloniously take from the person in the presence of Clinton Roberts

by means of force or intimidation goods or monies of the said Clinton Roberts,  
such goods or monies being described: U. S. currency, radio and pistol

**COUNT TWO—ROBBERY**

That Steve Lester, Stanley Taylor, Mitchell Sloan  
did in Greenville County, on or about the 16th day of October,  
19 74, feloniously take from the person or presence of Clinton Roberts  
by means of force or intimidation goods or monies of the said Clinton Roberts  
such goods or monies being described: U. S. currency, radio and pistol

**COUNT THREE—LARCENY**

That Steve Lester, Stanley Taylor, Mitchell Sloan  
did in Greenville County on or about the 16th day of October,  
19 74, feloniously take and carry away the goods and monies of Clinton Roberts  
of a value of more than \$50.00  
described: U. S. currency, radio and pistol  
with intent to deprive the owner permanently of such goods and monies.

Against the peace and dignity of the State, and contrary to the statute in such case made and  
provided.

*William W. Williams, Jr.*  
Solicitor

**Witnesses**

Lt. W. T. Greene  
Signed Warrant

Larry Adams  
Yanney Williams  
Claude Turner

Randy Coleman, 105  
Emile Street  
Robln Spake  
3 Pinsley Street

**Verdict**

Foreman

2 B 16233

75GS23-430

McCull \*888-339

**The State of South Carolina**

County of Greenville

**COURT OF GENERAL SESSIONS**

March Term, 1975  
W/# B 21297

**THE STATE**

vs.

MAR 12 1975  
PLEAD GUILTY  
and  
STEVEN LESTER

**INDICTMENT FOR**

MURDER WHILE IN THE

COMMISSION OF ARMED ROBBERY

+ Murder

Foreman of Grand Jury

MICROFILMED  
28/16233

NOW COMES THE DEFENDANT

Steven Lester

Who in open Court pleads guilty to the within indictment:

Murder - Common Law

and consents to sentence this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

ATTEST: Rachel W. Jolly

Clerk of Court

Steven Lester MAR 12 1975

Let the within defendant Steven Lester be confined

in the custody of the State Board of Corrections for a period of His whole Life Time pay a fine of \_\_\_\_\_ Dollars

Suspended upon \_\_\_\_\_

MAR 12 1975  
W. T. Greene  
Presiding Judge

4.  
March 12, 1975 →  
in Criminal Index  
HW  
1-17-80

**The State of South Carolina**County of Greenville**INDICTMENT FOR**

**MURDER WHILE IN THE COMMISSION**  
**AND**  
**OF ARMED ROBBERY**

At a Court of General Sessions, convened on the 10th day of March,  
 1975, the Grand Jurors of Greenville County present upon their oath:

**COUNT ONE**That Steven Lester

did in Greenville County on or about the 7th day of November,  
 1974, kill one Bonnie Robertson by means of shooting her with a  
 pistol while in the commission of robbery while armed with a deadly  
 weapon and that the said Bonnie Robertson did die in Greenville  
 County as a proximate result thereof on or about the 7th day of  
 November, 1974.

**COUNT TWO**That Steven Lester

did in Greenville County or about the 7th day of November,  
 1974, kill one Bonnie Robertson by means of shooting her with a pistol  
 and that the said Bonnie Robertson did die in Greenville County as a  
 proximate result thereof on or about the 7th day of November, 1974.

Against the peace and dignity of the State, and contrary to the statute in such cases made and  
 provided.

*William W. Wilkins, Jr.*

Solicitor

7  
South Carolina Department of Parole and Community Corrections

HON. CHARLES R. SANDERS, JR.  
CHAIRMAN  
DISTRICT THREE

HON. RHETT JACKSON  
SECRETARY  
DISTRICT TWO

HON. JOHN E. HUSS, D.D.  
DISTRICT ONE

HON. H. L. LACKEY  
MEMBER-AT-LARGE



J. P. PRATT II  
EXECUTIVE DIRECTOR

GRADY A. WALLACE  
COMMISSIONER

HON. MARION BEASLEY  
VICE CHAIRMAN  
DISTRICT FOUR

HON. LEE R. CATHCART  
DISTRICT FIVE

HON. WALTER N. LAWSON  
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET  
P. O. BOX 50666  
COLUMBIA, S. C. 29250

November 14, 1984

Mr. Steven Lester (75259)  
Kirkland Correctional Institution  
4344 Broad River Rd.  
Columbia, SC 29210

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After thorough consideration of all facts in your case, the Board at its meeting today, has rejected your plea for Parole. In an effort to help you understand the action taken, some significant reasons for the decision are indicated below:

Nature and seriousness of your offense.  
Indication of violence in this or previous offense.  
Use of deadly weapon in this or previous offense.  
Background indicates need for medical attention physical and/or mental.

Based on your maximum sentence, you will again be eligible for Parole consideration on November 14, 1985.

Very truly yours,

Grady A. Wallace, Commissioner

(Mrs.) Judy A. Boland  
Executive Secretariat

JAB:kd

cc: Mr. David Bartles  
Mr. Bobby F. Wood, Greenville Co.

# South Carolina Department of Parole and Community Corrections

HON. MARION BEASLEY  
CHAIRMAN  
DISTRICT FOUR

HON. RHETT JACKSON  
SECRETARY  
DISTRICT TWO

HON. JOHN E. HUSS, D.D.  
DISTRICT ONE

HON. DR. JERRY M. NEAL  
DISTRICT THREE



FRANK B. SANDERS  
EXECUTIVE DIRECTOR

GRADY A. WALLACE  
COMMISSIONER

HON. H. L. LACKEY  
VICE CHAIRMAN  
MEMBER-AT-LARGE

HON. LEE R. CATHCART  
DISTRICT FIVE

HON. WALTER N. LAWSON  
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET  
P. O. BOX 50666  
COLUMBIA, S. C. 29250

October 16, 1985

Mr. Steven Lester (75259)  
Kirkland Correctional Institution  
4344 Broad River Rd.  
Columbia, SC 29210

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After thorough consideration of all facts in your case, the Board at its meeting today, has rejected your plea for Parole. In an effort to help you understand the action taken, some significant reasons for the decision are indicated below:

- Nature and seriousness of your offense.
- Disciplinaries since rejection.
- Unfavorable institutional adjustment.
- Indication of violence in this or previous offense.
- Use of deadly weapon in this or previous offense.
- Background indicates need for medical attention physical and/or mental.

Based on your maximum sentence, you will again be eligible for Parole consideration on October 16, 1986.

Very truly yours,

Grady A. Wallace, Commissioner

(Mrs.) Judy A. Boland  
Executive Secretariat

JAB:kd

cc: Mr. David Bartles  
Mr. Bobby F. Wood, Greenville Co.

# South Carolina Department of Parole and Community Corrections

HON. MARION BEASLEY  
CHAIRMAN  
DISTRICT FOUR

HON. RHETT JACKSON  
SECRETARY  
DISTRICT TWO

HON. JOHN E. HUSS, D.D.  
DISTRICT ONE

HON. DR. JERRY M. NEAL  
DISTRICT THREE



FRANK B. SANDERS  
EXECUTIVE DIRECTOR

GRADY A. WALLACE  
COMMISSIONER

HON. H. L. LACKEY  
VICE CHAIRMAN  
MEMBER-AT-LARGE

HON. LEE R. CATHCART  
DISTRICT FIVE

HON. WALTER N. LAWSON  
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET  
P O BOX 50666  
COLUMBIA S C 29250

November 12, 1986

Mr. Steve Lester (75259)  
Perry Correctional Institution  
Route 3  
Pelzer, SC 29669

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After thorough consideration of all facts in your case, the Board at its meeting today, has rejected your plea for Parole. In an effort to help you understand the action taken, some significant reasons for the decision are indicated below:

- Nature and seriousness of offense.
- Repetition of similar offense.
- Disciplinary infraction since last parole rejection.
- Indication of violence in this or previous offense(s).
- Use of deadly weapon in this or previous offense(s).
- Background or institutional adjustment problems indicate need for professional assistance in an institutional setting.

Based on your maximum sentence, you will again be eligible for Parole consideration on November 12, 1988.

Very truly yours,

Grady A. Wallace, Commissioner

G. Anderson Surles  
Chief Parole Examiner

GAS:shr

cc: Mr. David Bartles  
Mr. Bobby F. Wood, Greenville Co.

## South Carolina Department of Probation, Parole, and Pardon Services

HON. RHETT JACKSON  
CHAIRMAN  
DISTRICT TWO

HON. LEE R. CATHCART  
SECRETARY  
DISTRICT FIVE

HON. WILLIE E. GIVENS, JR., D.D.  
DISTRICT ONE

HON. RAYMOND J. ROSSI  
MEMBER AT LARGE



MICHAEL J. CAVANAUGH  
EXECUTIVE DIRECTOR

GRADY A. WALLACE  
COMMISSIONER

HON. DR. JERRY M. NEAL  
VICE CHAIRMAN  
DISTRICT THREE

HON. MARION BEASLEY  
DISTRICT FOUR

HON. J. P. HODGES  
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET  
P. O. BOX 50666  
COLUMBIA, SC 29250

November 30, 1988

Mr. Steve Lester (75259)  
Dutchman Correctional Institution  
Route 1, Box 323  
Enoree, SC 29335

### Re: NOTICE OF REJECTION

Dear Mr. Lester:

After careful consideration of your record before and after imprisonment, the Parole Board has decided that you do not yet merit a lessening of the rigors of imprisonment. Your parole has therefore been denied.

Reasons for rejection:

- Nature and seriousness of current offense.
- Indication of violence in this or prior offense.
- Use of a deadly weapon in this or previous offense.

Parole will be granted when it shall appear to the satisfaction of the Board that you have shown a disposition to reform; that by your conduct you merit a lessening of the rigors of imprisonment; that the interest of society will not be impaired; that you have secured suitable employment; and in the future you will probably obey the law and lead a correct life.

In light of your current conviction, you will again be eligible for parole consideration on November 30, 1990.

Sincerely,

Grady A. Wallace  
Commissioner

GAW/ej

cc: Mr. David Bartles  
Bobby F. Wood, Greenville County

South Carolina Department of Probation, Parole, and Pardon Services

1 N. DR. JERRY M. NEAL  
CHAIRMAN  
DISTRICT THREE

2 N. LEE R. CATHCART  
SECRETARY  
DISTRICT FIVE

3 N. WILLIE E. GIVENS, JR., D.D.  
DISTRICT ONE

4 N. RHETT JACKSON  
DISTRICT TWO



MICHAEL J. CAVANAUGH  
EXECUTIVE DIRECTOR

GRADY A. WALLACE  
COMMISSIONER

HON. RAYMOND J. ROSSI  
VICE CHAIRMAN  
MEMBER AT LARGE

HON. MARION BEASLEY  
DISTRICT FOUR

HON. J. P. HODGES  
DISTRICT SIX

ADDRESS: 2221 DEVINE STREET  
P. O. BOX 50666  
COLUMBIA, SC 29250

October 31, 1990

Mr. Steve Lester (75259)  
Dutchman Correctional Institution  
Route 1, Box 323  
Enoree, SC 29335

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After careful consideration of your record before and after imprisonment, the Parole Board has decided that you do not yet merit a lessening of the rigors of imprisonment. Your parole has therefore been denied.

Reasons for rejection:

Nature and seriousness of current offense.  
Indication of violence in this or prior offense.  
Use of a deadly weapon in this or previous offense.

Parole will be granted when it shall appear to the satisfaction of the Board that you have shown a disposition to reform; that by your conduct you merit a lessening of the rigors of imprisonment; that the interest of society will not be impaired; that you have secured suitable employment; and in the future you will probably obey the law and lead a correct life.

In light of your current conviction, you will again be scheduled for a parole consideration hearing on or about October 31, 1992.

Sincerely,

Michael J. Cavanaugh  
Commissioner

MJC/mb

cc: Mr. David Bartles  
Steve Smart, Greenville Co.

State of South Carolina  
**Department of Probation, Parole, and Pardon Services**

**HON. RAYMOND J. ROSSI**  
 Chairman  
 Member-At-Large

**HON. J.P. HODGES**  
 Vice Chairman  
 District Six

**HON. WILLIE E. GIVENS, JR., D.D**  
 Secretary  
 District One

2221 DEVINE STREET, SUITE 600  
 POST OFFICE BOX 50666  
 COLUMBIA, SOUTH CAROLINA 29250  
 (803) 734-9220

**MICHAEL J. CAVANAUGH**  
 Commissioner

**HON. J. RHETT JACKSON**  
 Chairman, 1987 - 1988  
 District Two

**HON. J.F. ELLIOTT**  
 District Three

**HON. MARION BEASLEY**  
 Chairman, 1985 - 1986  
 District Four

**HON. LEE R. CATHCART**  
 District Five

October 28, 1992

Mr. Steve Lester (75259)  
 Cross Anchor Correctional Inst.  
 Rt. 1  
 Enoree, SC 29335

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole. The reasons for rejection are:

- Nature and seriousness of the offense.
- Indication of violence in this or previous offense(s).
- Use of deadly weapon in this or previous offense(s).

In light of your current conviction, you will again be eligible for parole consideration on or about October 28, 1994.

Sincerely,

Michael J. Cavanaugh

MJC:eja

cc: Mr. David Bartles  
 Steve Smart, Greenville Co.

State of South Carolina  
Department of Probation, Parole, and Pardon Services

CARROLL A. CAMPBELL, JR.  
Governor



MICHAEL J. CAVANAUGH  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9369

August 3, 1994

Mr. Steve Lester (75259)  
Cross Anchor Correctional Inst.  
Rt. 1  
Enoree, SC 29335

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole. The reasons for rejection are:

- Nature and seriousness of the offense.
- Indication of violence in this or previous offense(s).
- Use of deadly weapon in this or previous offense(s).

In light of your current conviction, you will again be eligible for parole consideration on or about August 3, 1995.

Sincerely,

Michael J. Cavanaugh

MJC:mrh

cc: Mr. David Bartles  
Steve Smart, Greenville Co.

State of South Carolina  
Department of Probation, Parole, and Pardon Services

DAVID M. BEASLEY  
Governor



WILLIAM E. GUNN  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440

August 16, 1995

Mr. Steve Lester (75259)  
Cross Anchor Correctional Inst.  
100 Prison Road  
Enoree, SC 29335

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole. The reason(s) for rejection are:

Nature and seriousness of the offense.  
Indication of violence in this or previous offense(s).  
Use of deadly weapon in this or previous offense(s).

In light of your current conviction, your next parole hearing will be on or about August 16, 1997.

Sincerely,

William E. Gunn

WEG:mlg

cc: Mr. David Bartles  
Steve Smart, Greenville Co.

State of South Carolina  
 Department of Probation, Parole and Pardon Services

DAVID M. BEASLEY  
 Governor



STEPHEN G. BIRNIE  
 Interim Director

2221 DEVINE STREET, SUITE 600  
 POST OFFICE BOX 50666  
 COLUMBIA, SOUTH CAROLINA 29250  
 Telephone: (803) 734-9220  
 Facsimile: (803) 734-9440

October 29, 1997

Mr. Steve Lester (75259)  
 Allendale Correctional Institution  
 P.O. Box 1151  
 Highway 41  
 Fairfax, SC 29827

Re: NOTICE OF REJECTION

Dear Mr. Lester:

After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole.  
 The reason(s) for rejection are:

**Nature and seriousness of the offense.**  
**Indication of violence in this or previous offense(s).**  
**Use of deadly weapon in this or previous offense(s)**

In light of your current conviction, your next parole hearing will be on or about October 29, 1999.

Sincerely,

*Carla J. Smalls*

Carla J. Smalls  
 Deputy Director  
 for Paroles and Pardons

CJS : dgb

State of South Carolina  
Department of Probation, Parole and Pardon Services

JIM HODGES  
Governor



STEPHEN K. BENJAMIN  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440

May 5, 2000

Mr. Steve - Lester #00075259  
McCormick Correctional Institution  
Route 2  
Box 100  
McCormick, SC 29835

Re: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you of the action of the South Carolina Board of Parole and Pardons relative to your recent parole hearing. After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole.

You will be notified 30 days prior to your next scheduled parole reconsideration date.

The reason(s) for rejection are:

- Nature And Seriousness Of Current Offense
- Indication Of Violence In This Or Previous Offense
- Use Of Deadly Weapon In This Or Previous Offense
- Institutional Record Is Unfavorable

Sincerely,

Gwendolyn A. Bright  
Director of Parole Board Support Services

State of South Carolina  
 Department of Probation, Parole and Pardon Services

JIM HODGES  
 Governor



JOAN B. MEACHAM  
 Director

2221 DEVINE STREET, SUITE 600  
 POST OFFICE BOX 50666  
 COLUMBIA, SOUTH CAROLINA 29250  
 Telephone: (803) 734-9220  
 Facsimile: (803) 734-9440

February 26, 2002

Mr. Steve - Lester #00075259  
 Perry Correctional Institution  
 430 Oaklawn Rd.  
 Pelzer, SC 29669

Re: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you of the action of the South Carolina Board of Parole and Pardons relative to your recent parole hearing. After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole.

You will be notified 30 days prior to your next scheduled parole reconsideration date.

The reason(s) for rejection are:

Nature And Seriousness Of Current Offense  
 Indication Of Violence In This Or Previous Offense  
 Use Of Deadly Weapon In This Or Previous Offense  
 Institutional Record Is Unfavorable

Sincerely,

*Gwendolyn A. Bright*

Gwendolyn A. Bright  
 Director of Parole Board Support Services

State of South Carolina  
Department of Probation, Parole and Pardon Services

MARK SANFORD  
Governor



STEPHEN G. BIRNIE  
Chief of Staff

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
[www.state.sc.us/ppp](http://www.state.sc.us/ppp)

March 3, 2004

Mr. Steve - Lester #00075259  
Perry Correctional Institution  
430 Oaklawn Rd.  
Pelzer, SC 29669

Re: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you of the action of the South Carolina Board of Parole and Pardons relative to your recent parole hearing. After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole.

You will be notified 30 days prior to your next scheduled parole reconsideration date.

The reason(s) for rejection are:

Nature And Seriousness Of Current Offense

Sincerely,

A handwritten signature in cursive script that reads "Gwendolyn A. Bright".

Gwendolyn A. Bright  
Director of Parole Board Support Services

State of South Carolina  
Department of Probation, Parole and Pardon Services

19

MARK SANFORD  
Governor



SAMUEL B. GLOVER  
Director

2221 DEVINE STREET, SUITE 600  
POST OFFICE BOX 50666  
COLUMBIA, SOUTH CAROLINA 29250  
Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
[www.state.sc.us/ppp](http://www.state.sc.us/ppp)

February 15, 2006

Mr. Steve - Lester #00075259  
Perry Correctional Institution  
430 Oaklawn Rd.  
Pelzer, SC 29669

Re: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you of the action of the South Carolina Board of Parole and Pardons relative to your recent parole hearing. After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole.

You will be notified 30 days prior to your next scheduled parole reconsideration date.

The reason(s) for rejection are:

Nature And Seriousness Of Current Offense  
Indication Of Violence In This Or Previous Offense  
Use Of Deadly Weapon In This Or Previous Offense

Sincerely,

Gwendolyn A. Bright  
Director of Parole Board Support Services

State of South Carolina  
Department of Probation, Parole and Pardon Services

MARK SANFORD  
Governor



SAMUEL B. GLOVER  
Director

2221 DEVINE STREET, SUITE 600  
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Telephone: (803) 734-9220  
Facsimile: (803) 734-9440  
[www.state.sc.us/ppp](http://www.state.sc.us/ppp)

January 16, 2008

Mr. Steve - Lester #00075259  
Perry Correctional Institution  
430 Oaklawn Rd.  
Pelzer, SC 29669

Re: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you of the action of the South Carolina Board of Parole and Pardons relative to your recent parole hearing. After careful consideration of your record before and after imprisonment, the Parole Board has rejected you for parole.

You will be notified 30 days prior to your next scheduled parole reconsideration date.

The reason(s) for rejection are:

- Nature And Seriousness Of Current Offense
- Indication Of Violence In This Or Previous Offense
- Use Of Deadly Weapon In This Or Previous Offense

Sincerely,

*Gwendolyn A. Bright*

Gwendolyn A. Bright  
Director of Parole Board Support Services

State of South Carolina  
**Department of Probation, Parole and Pardon Services**

**MARK SANFORD**  
 Governor



**SAMUEL B. GLOVER**  
 Director

2221 Devine Street, Suite 600  
 Post Office Box 50666  
 Columbia, South Carolina 29250  
 Telephone: (803) 734-9220  
 Fax: (803) 734-9440  
 www.dppps.sc.gov

February 10, 2010

Mr. Steve Lester #00075259  
 Perry Correctional Institution  
 430 Oaklawn Rd.  
 Pelzer, SC 29669

RE: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
 Indication Of Violence In This Or Previous Offense  
 Use Of Deadly Weapon In This Or Previous Offense  
 Institutional Record Is Unfavorable

Sincerely,

Heyward A. Hinton  
 Director of Hearings & Parole Board Support

State of South Carolina  
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY  
Governor



KELA E. THOMAS  
Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

June 13, 2012

Mr. Steve Lester #00075259  
Perry Correctional Institution  
430 Oaklawn Rd.  
Pelzer, SC 29669

RE: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
Indication Of Violence In This Or Previous Offense  
Use Of Deadly Weapon In This Or Previous Offense

Sincerely,

Catherine Cooper  
Director of Parole Board Support

State of South Carolina  
**Department of Probation, Parole and Pardon Services**

**NIKKI R. HALEY**  
 Governor



**KELA E. THOMAS**  
 Director

2221 Devine Street, Suite 600  
 Post Office Box 50666  
 Columbia, South Carolina 29250  
 Telephone: (803) 734-9220  
 Fax: (803) 734-9440  
 www.dppps.sc.gov

June 12, 2014

Mr. Steve Lester #00075259  
 Perry Correctional Institution  
 430 Oaklawn Rd.  
 Pelzer, SC 29669

RE: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); and (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, the Parole Board concludes that parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
 Indication Of Violence In This Or Previous Offense  
 Use Of Deadly Weapon In This Or Previous Offense

Sincerely,

Larry Ray Patton, Jr.  
 Director of Parole Board Support Services

State of South Carolina  
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY  
Governor



JERRY B. ADGER  
Director

2221 Devine Street, Suite 600  
Post Office Box 50666  
Columbia, South Carolina 29250  
Telephone: (803) 734-9220  
Fax: (803) 734-9440  
www.dppps.sc.gov

October 12, 2016

Mr. Steve Lester #00075259  
Perry Correctional Institution  
430 Oaklawn Rd.  
Pelzer, SC 29669

RE: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
Indication Of Violence In This Or Previous Offense  
Use Of Deadly Weapon In This Or Previous Offense

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Ray Patton, Jr.".

Larry Ray Patton, Jr.  
Director of Parole Board Support Services

State of South Carolina  
**Department of Probation, Parole and Pardon Services**

**HENRY McMASTER**  
 Governor



**JERRY B. ADGER**  
 Director

2221 Devine Street, Suite 600  
 Post Office Box 50666  
 Columbia, South Carolina 29250  
 Telephone: (803) 734-9220  
 Fax: (803) 734-9440  
 www.dppps.sc.gov

January 24, 2019

Mr. Steve Lester #00075259  
 Perry Correctional Institution  
 430 Oaklawn Rd.  
 Pelzer, SC 29669

RE: NOTICE OF REJECTION

Dear Mr. Lester:

It is my responsibility to inform you, on behalf of the South Carolina Parole Board, that the Board has reached a decision regarding your parole hearing. The Board hereby makes the following CONCLUSION OF LAW:

After careful consideration of: (1) the characteristics of your current offense(s), prior offense(s), prior supervision history, prison disciplinary record, and/or prior criminal record, as described in the findings of fact below; (2) the factors published in Department Form 1212 (Criteria for Parole Consideration); (3) the factors outlined in Section 24-21-640 of the South Carolina Code of Laws, and (4) actuarial risk and needs assessment factors pursuant to Section 24-21-10 (F) (1) of the South Carolina Code of Laws. The Parole Board had determined that your parole must be denied.

You will be notified 30 days prior to your next scheduled parole consideration date.

FINDINGS OF FACT:

Nature And Seriousness Of Current Offense  
 Indication Of Violence In This Or Previous Offense  
 Use Of Deadly Weapon In This Or Previous Offense  
 Vote Count: Unanimous To Reject

Sincerely,

Nettie C. Jacobs  
 Board Support Services

75-~~430~~  
430

State of South Carolina  
County of Greenville

C  
C  
C  
C  
C  
C

IN THE COURT OF GENERAL SESSIONS  
MOTION COVERSHEET

State of South Carolina  
- vs -  
STEVE LESTER #

WARRANT NO# \_\_\_\_\_  
AND  
INDICTMENT #'s 1975-GS-23-0430  
1975-GS-23-0427  
1975-GS-23-0429

19 FEB 27 PM 8:55  
PAUL WICKERHISER - CDC/GVL/SC

Solicitor: <u>WILKINS</u> <del>Walt</del> , Bar NO. _____	Defendant Pro-se <u>STEVE LESTER</u> SCDC # <u>75259</u>
Address: <u>GREENVILLE COUNTY</u> <u>COURTHOUSE CLERK OF COURT</u>	Address: <u>Perry Corr. Inst. 430 Oaklawn</u>
<u>305 EAST North St</u> <u>GREENVILLE SC 29601</u>	<u>Rd. Pelzer S.C. 29669</u>
Phone _____	Phone: <u>N/A</u>
E-Mail: _____	E-Mail: <u>N/A</u>
MOTION HEARING REQUESTED <input checked="" type="checkbox"/>	
FORM MOTION, NO HEARING REQUESTED <input type="checkbox"/>	
NATURE OF MOTION: _____	
Estimated Time Needed: _____	
<input checked="" type="checkbox"/> Written motion attached	
<input type="checkbox"/> Form motion/Order	
I Hereby move for Relief or action by The Court as set forth in the attached proposed Order.	
Signature of <input type="checkbox"/> Solicitor; <input checked="" type="checkbox"/> Defendant	
<u>151 Steve Lester</u>	

-emailed to SCCA

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
STEVE LESTER#

IN THE COURT OF  
GENERAL SESSIONS

C/A NO. \_\_\_\_\_

Petitioner, C IN, 1975-GS-230427-0429-0430

-VS-

STATE OF SOUTH CAROLINA  
Respondent,

MOTION FOR RESENTENCING  
AND  
MOTION FOR APPOINTMENT  
OF COUNSEL

19 FEB 27 PM 3:55  
Paul Wickens  
02/27/80

NDW COMES, above Captioned Petitioner STEVE LESTER#  
PRO-SE Respectfully MOVING this Honorable Court For  
APPOINTMENT OF COUNSEL AND Requesting a Resentencing  
Hearing be Convened in This Matter.

IN Support of this Motion and Request, Petitioner  
would respectfully show This Court the following:

(1). Petitioner is Presently Confined at Perry Correct-  
onal Institution of the South Carolina Depart-  
ment of Corrections Pursuant to Commitment  
Orders From the Greenville County Clerk of  
Court.

(2). At Sixteen (16) years of age the Greenville  
County Grand Jury Indicted Petitioner at The March  
1975 term of The Court For Murder, Armed Robbery  
He was represented by Saul Abrams, Esquire,  
Court Appointed Counsel.

(3). ON MARCH, 1975. The Petitioner Pled guilty to  
All Counts and The Honorable Wade S. Weatherford<sup>Jr.</sup> sentenced  
Petitioner To confinement For a period of life in The  
South Carolina Department of Corrections.

(4). Petitioner was (16) sixteen years old at The Time of The Offense which resulted in his Current Sentence of life in The South Carolina Department of Corrections. Given The directions of The United States Supreme Court's Juvenile Sentencing decisions, The legal Principles Governing The Sentencing of Juvenile Offenders, and the heightened Capacity for Change in [All] Juvenile offenders, This Court should have no Problem Concluding That Petitioner's Sentence Violates Both The (8) Eighth Amendment of the United States Constitution, according [and] Article I, §15 of The South Carolina Constitution according to Aiken v. Byars infra and Miller v. Alabama infra.

### Discussion

IN Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014), cert. denied 135 S.Ct. 2379 (2015), our Supreme Court held That The Principles enunciated in Miller v. Alabama 132 S.Ct. 2455 (2012) Were [retroactively] applicable to The discretionary imposition of a Life Sentence For Juveniles convicted of a homicide offenses. Id. 410 S.C. at 454, 765 S.E.2d at 578 (2014).

The Scope of Aiken is a complex matter That can only be Properly understood with Consideration of The United States Supreme Court cases That came before it. The Eighth [8] Amendment provides: Excessive bail shall not

be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. U.S. Amend. VIII, U.S. Const. and XIV, see also S.C. Constitution art. I, § 15.

The United States Supreme Court has found that because the words of the Eighth Amendment are not precise and their scope is not static, it "must draw its meaning from the enduring standards of the decency that mark the progress of a maturing society." see Trop v. Dulles, 356 U.S. 86, 101 (1958).

In Miller the Court said they require [a sentencer] to take into consideration how children are different ....". Petitioner's initial sentencing procedures included [no] such presumptions. The Eighth Amendment requires particularized consideration of a juvenile defendant's character and background and the circumstances of the offense. Woodson v. North Carolina 428 U.S. 280, 303-304 (1976) (plurality opinion). Petitioner's sentencing procedures included [neither] adequate representation nor adequate consideration of mitigating evidence, and thus failed to satisfy the constitutional requirements of "individualized sentencing" and the "distinct set of legal rules" now applicable in juvenile homicide cases. (see Miller, 132 S.Ct. at 2466, 2468. For example: "Petitioner's waiver and sentencing hearing included wholly insufficient reference to his youth, thus culpability". Miller, 132 S.Ct. at 2464.

NO witnesses were called at the Juvenile Waiver hearing or Sentencing hearing and no records or documents were admitted. This is not because Substantial Mitigating evidence did not exist. The Court made no mention of Petitioner's Juvenile Status in explaining the sentencing decision. Petitioner's Sentencing was therefore grounded on an "IRREVOCABLE JUDGMENT" about his Character that was fundamentally "at odds with [his] capacity for change and incompatible with the Eighth Amendment mandate set forth in Miller supra. **EVEN MORE SO**, The so-called Juvenile waiver hearing in the instant matter wholly failed to apply and/or consider the factors set forth in Kent v. U.S. 86 S.Ct. 1045 (1966). IN support of this allegation see App. 199-233 Family Court Waiver Hearing Transcript March 1975 Term conducted by the Honorable Judge WADE S. WEATHERFORD also see Judge Weatherford Jr.

**ORDER** Waving Petitioner from Family Court to General Sessions. A stringent review of the record in this regards supports the contention the waiver hearing failed to take into account any of the Kent factors, mirrored in Miller supra.

It is therefore premised on the decisions of Miller v. Alabama, supra and Aiken v. Byars, supra That are applied Retroactively and The Fact Petitioner was only sixteen (16) years of age at The Time of his Offense That he respectfully moves This Honorable Court for The appointment of Counsel and a Resentencing hearing at The Court's earliest date in The interest of Justice.

### CONCLUSION

WHEREFORE, based on The foregoing Petitioner Respectfully prays This Honorable Court will appoint Counsel and Conduct a resentencing hearing consistent with Aiken v. Byars, supra and Miller v. Alabama, supra.

Respectfully Submitted,  
 /s/ Steve Lester  
 Steve LESTER #75259  
 Petitioner, Pro-Se

75-427  
430

# The Supreme Court of South Carolina

2019 MAR 5 PM 2:19  
PALLAKRAM@CORJUS.SC

Steve Lester, Petitioner,

v.

State of South Carolina, Respondent.

Greenville County

Docket Nos.: 1975-GS-23-00427, 00429, 00430

\_\_\_\_\_  
**ORDER**  
\_\_\_\_\_

Petitioner filed a motion on February 27, 2019 for resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). Now, therefore, pursuant to Article V, Section 4 of the South Carolina Constitution,

IT IS HEREBY ORDERED that the Honorable Alex Kinlaw, Jr. be vested with exclusive jurisdiction over the Petitioner's Motion for Resentencing in the above-captioned matter.

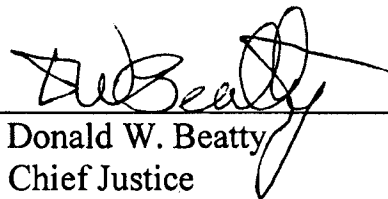
Judge Kinlaw shall at all times be vested with concurrent jurisdiction in all circuits of the state to dispose of matters relating to this case, and shall decide all matters pertaining to the Petitioner's Motion, and shall retain jurisdiction over this matter regardless of where he may be assigned to hold court, and may schedule such hearings as may be necessary at any time without regard as to whether there is a term of court scheduled.

If necessary, to resolve issues related to the appointment of counsel, a hearing shall be conducted within thirty (30) days of this order.

Within sixty (60) days of the date of this order, Judge Kinlaw shall issue a scheduling order setting forth the schedule that shall be followed in this matter,

2B16233

including the date of the hearing on the merits. The scheduling order may be amended as necessary.



---

Donald W. Beatty  
Chief Justice

Columbia, South Carolina  
March 1, 2019

THE STATE OF SOUTH CAROLINA )  
 COUNTY OF GREENVILLE )  
 STEVE LESTER )  
 )  
 v. )  
 )  
 THE STATE OF SOUTH )  
 CAROLINA, )  
 )  
 RESPONDENT. )

IN THE COURT OF GENERAL SESSIONS  
 THIRTEENTH JUDICIAL CIRCUIT  
 Warrant/Indictment Nos.: 1975-GS-23-0427;  
 1975-GS-23-0429; 1975-GS-23-0430

**SCHEDULING ORDER**

✓  
 20 DEC 4 PM 1:05  
 Paul Wickens/Chief Clerk, SC

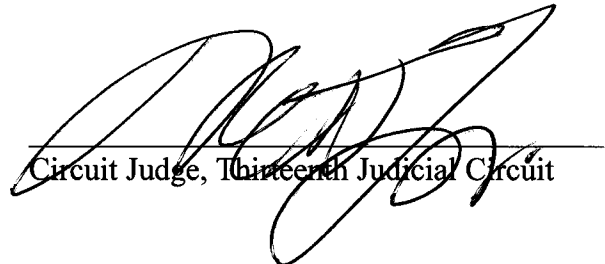
WHEREFORE, on August 11, 2020, the State and counsel appointed for the above-named Petitioner held an informal conference regarding the above-captioned matter and agreed to submit a Scheduling Order.

The Court, finding additional information necessary, requested the parties submit briefs on their positions as to whether Petitioner is entitled to a hearing pursuant to Aiken v. Byers. The parties stipulate counsel for Petitioner shall prepare and submit any amendments to Petitioner’s filings, along with a supplemental brief, within ninety days of the date of this Order. Attorney for Respondent shall then have an additional ninety days to prepare and submit a brief in opposition to Petitioner’s filings. Extensions may be granted by consent of both parties.

Following the submission and review of the parties’ briefs, the Court will schedule a time, as soon thereafter as practicable, for a hearing on the record regarding the substance of the briefs.

AND IT IS SO ORDERED.

Greenville, South Carolina  
 This 11<sup>th</sup> day of October, 2020

  
 Circuit Judge, Thirteenth Judicial Circuit

STATE OF SOUTH CAROLINA  
IN THE COURT OF GENERAL SESSIONS

---

Aikens v. Byars Resentencing Hearing From Greenville County

Alex Kinlaw Jr., Circuit Court Judge

---

THE STATE,

V.

STEVEN LESTER,

DEFENDANT.

INDICTMENT NO. 75GS23-430

---

BRIEF OF DEFENDANT

---

WILLIAM EUGENE GROVE  
SC Bar No. 77931

ANDRE TA NGUYEN  
SC Bar No. 102084

Assistant Public Defenders

Greenville County Public Defender Office  
305 E. North St., Ste. 123  
Greenville, SC 29601  
(864) 467-8522

ATTORNEYS FOR DEFENDANT

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### **STATEMENT OF ISSUES**

- I. There has been a foundational shift in the substantive constitutional law applicable to juvenile sentencing over the past decade, does the Parole Board's refusal to consider the standards set by *Aiken v. Byars* violate due process?
- II. Does Steven Lester's continued incarceration of forty-six years for a crime he committed as a juvenile constitute disproportionate punishment in violation of the Eight Amendment to the United States Constitution and Article I, Section 15 of the South Carolina Constitution?

### **STATEMENT OF THE CASE**

Steven Lester has been an inmate in the South Carolina Department of Corrections (SCDC) for forty-six years – since he was sixteen years old – which gives him the distinction of being one of the longest continuously incarcerated juveniles in the state. He has been denied parole nineteen times since first becoming parole eligible in 1984. As will be discussed in more detail below, the denials cannot be justified by his institutional record, which overall has been satisfactory. There are 6 known disciplinary incidents over the span of forty-six years in the department of corrections. Of the nineteen parole denials, all but five were denied exclusively on the one thing he cannot change: the facts and circumstances of his offense.

Only four months after his arrest, Lester entered a guilty plea and accepted the (then) mandatory minimum sentence for murder: life imprisonment with the possibility of parole after ten years. Lester pled down from murder in the commission of an armed robbery. At the time, the only punishment provided for that charge was the death penalty. Based upon a March 13, 1975 news article from The Greenville News, the marquee mitigation put up for Lester was that he needed

money to buy drugs to fuel his habit. Since 1975, there has been a sea change in constitutional law applicable to juvenile life sentences. *See, e.g., Aiken*, 410 S.C. at 544, 765 S.E.2d at 577. Those opinion constitutionalized the principle that “children are different” from adults for sentencing and parole purposes. These differences mean the decision whether to incarcerate a juvenile for life (and thus whether to grant a juvenile parole) must consider the class characteristics of youth identified by the courts as well as any individual mitigating circumstances associated with the case. Because the judge who sentenced Lester did not have the benefit of those decisions, and because South Carolina has not yet granted resentencing hearings to juveniles sentenced to life with parole, it should be incumbent on the Parole Board to take those same factors into account in deciding whether to grant him parole. Specifically, the board consider Lester’s age, immaturity, intellectual capacity, and home environment at the time of the offense; the circumstances of the offense and how they were affected by the hallmark features of youth; the culpability of juveniles compared to that of adults; and how Lester’s youth affected his interactions with law enforcement, counsel, and the criminal justice system.

Lester’s most recent parole hearing was held on January 23, 2019. The parole board found that parole must be denied for (1) nature and seriousness of current offense; (2) indication of violence in this or previous offense; and (3) use of deadly weapon in this or previous offense. None of the above referenced hallmark features of youth were ever considered at the latest parole hearing, nor any of his previous hearings. The South Carolina Department of Probation, Parole and Pardon Services website as of March 1, 2021, states that “the parole board hears up to 70 cases per day so their time is limited.” Lester’s most recent denial makes two things clear: (1) the Board’s latest decision violated Lester’s rights under the Eighth Amendment to the United States Constitution, Article I, Section 15 of the South Carolina Constitution, and due process because the

Board failed to give appropriate weight to the fact that children are constitutionally different; and, (2) because numerous parole denials for Lester, spanning multiple decades, have been based on the unchangeable nature and circumstances of the offense, the Board is never going to grant him parole.

This court has jurisdiction to remedy the constitutional violations by granting Lester a resentencing hearing pursuant to *Aiken v. Byars*. In addition, the Court could order another parole hearing at which the Board is mandated to give meaningful consideration to the “hallmark characteristics of youth,” as defined by the United States and South Carolina Supreme Courts, based on a complete presentation from Lester. Alternatively, and more appropriately, this Court could order the Board to grant Lester parole because, as a juvenile “whose crime reflected only transient immaturity” and not “irreparable corruption[],” Lester is entitled to live “some years of life outside prison walls.” See *Montgomery v. Louisiana*, 136 S. Ct. 718, 736-37 (2016).

### **ARGUMENT**

I. There has been a foundational shift in the substantive constitutional law applicable to juvenile sentencing proceedings.

Since 2005, the United States Supreme Court has fundamentally altered the relationship between juvenile offenders and the criminal justice system, steadily shifting juvenile offenders into a distinct category from adult offenders, warranting them unique protections and consideration with respect to punishment. The new legal regime shift is grounded in the principle that emerged in *Roper v. Simmons* – juveniles are different, and therefore must be treated differently. 543 U.S. 551 (2005). Ultimately, this recategorization of juveniles has changed the standards of proportionality required by the Eight Amendment when meting out punishments for this class of offenders, and in turn, has new due process implications.

This paradigm shift in the juvenile sentencing landscape began with *Roper v. Simmons*, in which the Court reversed its prior decision in *Stanford v. Kentucky*, 492 U.S. 361 (1989) and held that juveniles, as a class, have categorically reduced moral culpability to such an extent that to execute a person for a crime committed as juvenile would violate the Eighth Amendment. 543 U.S. at 574. The *Roper* Court reviewed then-available scientific research on juvenile development from which it distilled three characteristics that differentiate juveniles from adult offenders:

- 1) Children “lack maturity and responsibility and are more reckless than adults,” which leads to “impetuous and ill-considered actions,” *id.* at 569;
- 2) Children are “more vulnerable or susceptible to negative influences and outside pressures,” “have less control ... over their environment,” and “lack the freedom that adults have to extricate themselves from a criminogenic setting,” *id.* and
- 3) Children’s characters are “not as well formed as th[ose] of an adult,” and their personalities are “more transitory” and “less fixed.” Therefore, “it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character,” *id.* at 570.

In light of these class-wide traits that reduce all juveniles’ moral culpability, the Court held that the penalty of death was a disproportionate punishment for a juvenile offender. *Id.* at 572-73.

Next, in *Graham v. Florida*, the Court was confronted with a juvenile sentenced to life without parole who, while on parole for a separate burglary, broke into a house, held the occupants at gunpoint while ransacking the house searching for money, and then refused to surrender, leading police on a high-speed chase. 560 U.S. 48, 55 (2010). Notwithstanding the severity of Graham’s offenses, the Court reiterated that “developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds,” and therefore, life without parole is a disproportionate punishment for juveniles who commit non-homicide offenses. *Id.* at 68. Instead, the Court explained that due to their lesser culpability, juvenile offenders are “less deserving of the most severe punishments,” and thus, under most circumstances, must be given a

“realistic” and “meaningful opportunity for release based on demonstrated maturity and rehabilitation.” *Id.* at 74-75.

In its third major juvenile sentencing decision, the Court held that juveniles found guilty of murder may not be subjected to mandatory life without parole sentences. *Miller v. Alabama*, 567 U.S. 460, 489 (2012). In cases where a juvenile is facing life without parole, the Court held that the Eighth Amendment requires an individualized sentencing hearing, similar to the penalty phase of a capital trial. *Id.* Again, like in *Roper* and *Graham*, the Miller Court reiterated that a juvenile’s age and the “wealth of characteristics and circumstances attendant to it” are mitigating factors that the criminal justice system must, at some point, consider. *Id.* at 476.

Four years later, the Court held that *Miller* announced a new substantive rule of constitutional law that applies retroactively. *Montgomery*, 136 S. Ct. at 736-37. In *Montgomery*, the Court was clear that “a lifetime in prison is a disproportionate sentence for all but the rarest of children whose crimes reflect ‘irreparable corruption.’” *Id.* at 725. Thus, after *Montgomery*, states must give juvenile offenders the opportunity to live “some years of life outside prison walls” unless the state officials responsible for determining whether those individuals should be released make a finding based on the totality of the evidence that the offenders have demonstrated “irreparable corruption.” *See id.* at 736-37.

The South Carolina Supreme court embraced these same principles in *Aiken v. Byars* and held that the then-existing state sentencing procedures were deficient because they treated adult and juvenile offenders the same. 410 S.C. 534, 536-37, 765 S.E.2d 572, 573. The Court clarified that *Miller* “does more than ban mandatory life sentencing schemes for juveniles; it establishes an affirmative requirement that courts fully explore the impact of the defendant’s juvenility on the sentence rendered.” *Id.* at 543, 765 S.E.2d at 577. The gravity of the *Aiken* petitioners’ crimes, all

homicides, did not affect the need for juvenile-specific sentencing hearings. *Id.* at 537, 765 S.E.2d at 573. Instead, *Aiken* requires that a sentencing authority “carefully and thoughtfully consider[]” the factors which uniquely impede children: (1) the hallmark features of youth including “immaturity, impetuosity, and failure to appreciate the risks and consequences;” (2) the “family and home environment” that surrounded the offender; (3) the circumstances of the homicide offense, including the extent of the offender’s participation in the conduct and how familial and peer pressures may have affected him; (4) the “incompetencies associated with youth – for example, [the offender’s] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender’s] incapacity to assist his own attorneys;” and (5) the “possibility of rehabilitation.” *Id.* at 544, 765 S.E.2d at 577 (quoting *Miller*, 567 U.S. at 477-78).

Looking at these cases as a whole, the following constitutional principles emerge:

- 1) Children are fundamentally different from adults in critical ways that significantly diminish their moral culpability.
- 2) Due to these differences, all proceedings which determine whether they should be confined for life or released must be different, both procedurally and substantively.
- 3) The state authority with the power to confine or release a juvenile offender must fully consider all of the class characteristics attendant to youth as well as individual mitigating circumstances emerging from the person’s social history and mental and emotional development.
- 4) A juvenile offender is presumptively entitled to release on a demonstration of maturity and rehabilitation, and only in the rare, exceptional case where the state establishes that the juvenile is irreparably corrupt, may a juvenile be confined for the remainder of his life.

Each of these principles has emerged since Lester was sentenced to life in prison and each applies retroactively. They have also shifted the balance of the proportionality component of the Eighth Amendment to a standard that is now much more forgiving to juvenile offenders than the legal regime in effect at the time of Lester’s offense and initial sentencing hearing.

No state official with the power to confine or release Lester has ever applied these principles to Lester’s case. Because the Parole Board (and only the Parole Board) now holds the

key to his release, it was required by the Eighth and Fourteenth Amendments, and the corresponding provisions of the South Carolina Constitution, to expressly consider the impact of Lester's youth in a manner consistent with *Montgomery* and *Aiken*.

II. The change in law implicated a liberty interest and PPP's inadequate procedures violated due process.

A. *Lester has a liberty interest in a meaningful opportunity for release.*

The Fourteenth Amendment provides that no state shall "deprive any person of life, liberty, or property, without due process of law." U.S. Const. amend. XIV. The Due Process Clause protects an individual's right to both procedural and substantive due process. *Washington v. Glucksberg*, 521 U.S. 702, 719-20 (1997). The government violates an individual's procedural due process rights when it deprives them of a protected liberty or property interest, *Am. Mfrs. Mut. Ins. Co. v. Sullivan*, 526 U.S. 40, 59 (1999), and an inmate has a right to due process protections if the interest they assert falls within the implicit meaning of liberty or if it flows from an expectation created by state law or policies, *Wilkinson v. Austin*, 545 US. 209, 221 (2005). This interest must also be greater than a "mere hope," *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 US. 1, 11 (1979), meaning that parole procedures eliminate all hope of release trigger due process, *see Swarthout v. Cooke*, 562 U.S. 216, 220 (2011) (per curiam).

As a matter of state constitutional law, when the Parole Board relies on procedures that fail to take account of all legally mandated information, those procedures infringe on inmates' liberty interests. *Cooper v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 499, 661 S.E.2d 106, 111 (2008). In a similar vein, when the courts or the legislature announce substantive changes to the law that "affect[] an inmate's substantial personal right to ... correct parole review," those changes implicate due process. *See Barton v. S.C. Dep't of Prob., Parole & Pardon Servs.*, 404 S.C. 395, 413, 745 S.E.2d 110, 120 (2013). In both scenarios, the South Carolina Supreme Court

has recognized that a parole denial is not “routine” and this Court therefore has jurisdiction to evaluate the constitutionality of the Parole Board’s procedures, and if it finds them inadequate, grant a resentencing hearing.

Juvenile offenders serving parole-eligible life sentences, unlike adults, have a right to parole – a “meaningful opportunity” to be release and spend “some years of life outside prison wall” – so long as they demonstrate that they do not fall into the very small group of incorrigible, irredeemable persons. *See Graham*, 560 U.S. at 75; *Montgomery*, 136 S. Ct. at 737. The changes in constitutional law applicable to juvenile sentencing detailed above implicate constitutionally protected liberty interests in two ways: (1) they identified a new range of legally mandatory information that decision-makers must consider before condemning juveniles to die in prison, *see Cooper*, 377 S.C. at 499, 661 S.E.2d at 111; and, (2) they brought about substantive changes to the law that affects juvenile lifers’ “substantial personal right” to have a decision-maker consider youth, *see Barton*, 404 S.C. at 413-14, 745 S.E.2d at 120.

Lester was sentenced to life with the possibility of parole in a different legal era, when juveniles charged with murder were legally indistinguishable from adults. That is no longer the case, and as a matter of law, children are now “constitutionally different” for sentencing and release purposes. It follows, then, that like juveniles who are charged with murder post-*Miller* and *Aiken*, who are entitled to hearings that are procedurally and substantively different from adult hearings, juveniles who were sentenced for the same crimes pre-*Miller* and *Aiken* are also entitled to hearings that are procedurally and substantively different from adult hearings. South Carolina has chosen to put the key to these juvenile offenders’ release in the hands of the Parole Board, and thus it must modify both its procedures and criteria for release to comply with the Eighth

Amendment principles described previously. The Board's failure to do so violates due process. Therefore, it is urged that this Court consider granting Lester a resentencing hearing.

*B. The process that Lester is due.*

If a given state procedure implicates an inmate's liberty interests, procedural due process requires the state provide sufficient process in order to fully protect the interests at stake. *See Mathews v. Elridge*, 424 U.S. 319, 323 (1976). In weighing the adequacy of existing procedures, courts must balance three factors: (1) the individual liberty interest at stake; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards;" and, (3) the government's interest in maintaining the existing procedures. *See id.* at 335.

*1. Lester's interest in a parole process that gives him a meaningful opportunity for release is weighty.*

"Freedom from imprisonment – from restraint – lies at the heart [of due process]." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). A juvenile serving a parole-eligible life sentence suffers "grievous loss" equivalent to the interest implicated by parole revocation when, despite evidence of rehabilitation, they are denied parole. *Cf. Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). This is because, as described above, a juvenile serving a life sentence has a right to parole – to freedom from continued government restraint – unless they are incorrigible. *See Montgomery*, 136 S. Ct. at 733-37; *Miller*, 567 U.S. at 479-80. Whereas non-juvenile offenders have at most an interest in the possibility of parole, all but the most irredeemable juvenile offenders have been promised their eventual freedom – the question is *when* and not *if*. Juvenile offenders who appear their parole hearing rightfully expect they will be released, and therefore, their liberty interest is

weighty. The decision to deny parole to a juvenile serving a life sentence, the decision “whether the [person] will be free or in prison, is matter of obvious great moment” to the juvenile. *See Wolff v. McDonnell*, 418 US. 539, 560 (1974).

III. The Board’s parole denial based solely on an offense that was the product of the transient qualities of youth violates the constitutional prohibitions on cruel and unusual punishment in the Eighth Amendment and the South Carolina Constitution.

The Eight Amendment to the United States Constitution provides: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” US. Const. amend. VIII. In interpreting the scope of this amendment, the United States Supreme Court has looked to the original meaning of the phrase “cruel and unusual” and concluded that at the time the amendment was ratified, the phrase was “directed against punishments ... disproportionate to the offense involved.” *Gregg v. Georgia*, 428 US. 153, 169 (1976). Because the concept of “disproportionate punishment” is not “static,” the Court’s analysis under the Eighth Amendment requires an assessment of moral culpability in light of “the evolving standards of decency that mark the progress of a maturing society.” *Id.* at 172-73 (quoting *Trop v. Dulles*, 356 U.S. 86, 101 (1958)). This standard and the United States Supreme Court opinions applying it “set[] the floor for individual rights while the state constitution establishes the ceiling.” *State v. Forrester*, 343 S.C. 637, 643-44, 541 S.E.2d 837, 840 (2001).

In interpreting the state constitution, the South Carolina Supreme Court has followed a similar mode of constitutional analysis. Where the language in the South Carolina Constitution differs from the language in the federal constitution, the court’s interpretative task is to determine whether the state constitution “provide[s] greater protection than the federal Constitution.” *Id.* at 644, 541 S.E.2d at 840. This mode of analysis first looks to any textual differences between the

two documents and clues from state legislative history. *See id.* at 644-47, 541 S.E.2d at 840-42. The next step is to survey parallel language in other states' constitutions and, where other states have language similar to that in the South Carolina Constitution, any judicial opinions interpreting that language. Finally, the Court should consider whether any newly proposed interpretation of the state constitution is consistent with past precedent. *Id.* at 645-48, 541 S.E.2d at 841-42. Applying that methodology here, it is clear that the language of Article I, Section 15 of the South Carolina Constitution sweeps more broadly than the language in the Eighth Amendment and that as a matter of state constitutional law, the Board's repeated parole denials have rendered Lester's sentence unconstitutionally disproportionate.

Article I, Section 15 provides, in relevant part: "Excessive bail shall not be required, nor shall excessive fines be imposed, nor shall cruel, nor corporal, nor unusual punishment be inflicted, nor shall witnesses be unreasonably detained." S.C. Const. art. 1, § 15; cf. U.S. Const. amend. VIII ("Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.") As a matter of plain Language interpretation, the differences between the South Carolina and federal constitutions are significant. First, the drafters of the South Carolina constitution elected to use a disjunctive framing, while the federal constitution is conjunctive. In standard English usage, a disjunctive indicates alternatives. This difference suggests the South Carolina constitution provides more protection than its federal counterpart: a punishment need only be cruel *or* unusual, not both, to violate the state constitution. *See Jennings v. Jennings*, 401 S.C. 1, 11-12, 736 S.E.2d 242, 247 (2012) (Toal, C.J., concurring).

Lester is one of the longest-serving juvenile offenders with a parole-eligible life sentence in South Carolina. When he entered prison, Gerald Ford was President. Lester has served nearly five decades, outlasting his reasonable life expectancy in SCDC. Under both the Eighth Amendment,

and even more so under the South Carolina Constitution, his continued punishment is cruel, unusual, and grossly disproportionate to the offense he committed and the person he has become.

Because maturity and rehabilitation can only occur post-offense, juvenile offenders, like Lester, who are serving life sentences with the possibility of parole must be able to establish their progress in a formal setting, at a later date, and with meaningful consideration, *i.e.*, at a parole hearing. If the decision to grant or deny parole hinges solely on the nature of Lester's offense, he has no way of positively affecting the Parole Board's decision-making, and it follows that he has no meaningful opportunity for parole because characteristics like maturity can only be proved by examining the period after sentencing. Thus, denying juveniles like Lester the opportunity to reenter society after they have demonstrated rehabilitation subjects them to continued punishment based on the crime. A juvenile like Lester who has matured and been rehabilitated but who is nevertheless denied parole has been denied their rights under the Eighth Amendment.

Lester has been given the opportunity to appear before the Board on numerous occasions but, that "opportunity" has been rendered meaningless, not only due to procedural failures described in Section II, *supra*, but also by the Board's myopic focus and reliance on the nature and circumstances of the offense. This now decades old pattern and practice makes it clear that the Board never intends to parole Lester and thus he will die in prison unless this Court intervenes. Lester is not asking for a new constitutional right. Instead, he is asking an existing right be extended to him. Because the Supreme Court has held that all juvenile offenders who have previously been sentenced to life without parole are entitled to a meaningful opportunity for release where their subsequent maturation and growth should be considered (save for the rare incorrigible one), then similarly situated juvenile offenders with slightly lesser sentences must at least have this same opportunity. *See Graham*, 560 U.S. at 75; *Montgomery*, 136 S. Ct. at 736.

Rather than demonstrating incorrigibility, Lester has been denied parole based on the permanently unchangeable nature and circumstances of the offense. Given the Board's action at this last parole hearing, and the multi-decade pattern of denying him parole because of the underlying offense, two things are evident. First, a "lifetime in prison is a disproportionate sentence" for Lester because the nature and circumstances of the offense and any rehabilitation do not permit anyone, including the Board, to determine that he is beyond redemption. Second, the pattern of and reason for denying Lester's parole have established the Board is never going to release him, and thus the Board has transformed his parole-eligible life sentence into a *de facto* life without parole sentence. By ignoring Lester's demonstrated rehabilitation and effectively converting his sentence to life without parole, the Parole Board is disproportionately punishing Lester in direct violation of the Eighth Amendment.

If the bar the Board sets for release is so high that Lester is not able to reach it despite almost five decades of development, then it is unconstitutionally high, not only for Lester but for all parole-eligible juvenile offenders serving life sentences. By repeatedly refusing to give adequate constitutional weight to Lester's youth (and the class characteristics attendant thereto), the individual mitigating circumstances in his case, and his demonstrated maturity and rehabilitation the Board have effectively condemned Lester to die in prison. This is the exact sentence the Supreme Court has said to be disproportionate in direct violation of the United States and South Carolina Constitutions.

**CONCLUSION**


Steven Lester went to prison when he was seventeen years old for an offense committed when he was sixteen years old. Now, forty-six years later, he is sixty-four years old. He has been incarcerated longer continuously than all but a handful of juvenile offenders in South Carolina, and he already outlived his reasonable life expectancy in SCDC. He has gone from teenager to senior citizen behind prison walls. The Board's refusal to give constitutionally adequate consideration to the class and individual characteristics of youth and The Board's repeated reliance on the unchangeable facts of the crime committed by a child violates the Eight and Fourteenth Amendments and Article I, Section 15 of the South Carolina Constitution.

For the foregoing reasons, Defendant respectfully asks this Court to grant him a resentencing hearing pursuant to *Aiken v. Byars*, as it appears this is Lester's only opportunity for relief.



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ATTORNEY FOR DEFENDANT



Andrie Ta Nguyen  
Greenville County Public Defender Office

ATTORNEY FOR DEFENDANT

This 4<sup>th</sup> day of March, 2021.

STATE OF SOUTH CAROLINA )  
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 COUNTY OF GREENVILLE )  
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 STATE OF SOUTH CAROLINA )  
 )  
 vs )  
 )  
 STEVE LESTER, )  
 )  
 DEFENDANT. )  
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IN THE COURT OF GENERAL SESSIONS

1975-GS-23-0427  
 1975-GS-23-0429, 0430  
 B21297, B21299, B22917

**STATE’S RESPONSE TO  
 DEFENDANT’S MOTION  
 FOR RESENTENCING**

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 Paul Walker/Smor-COC.GULF.SC

On March 12, 1975, Defendant pled guilty to murder and two counts of armed robbery<sup>1</sup> and was sentenced to life in prison by the Honorable Wade S. Weatherford. Defendant was sixteen-years-old at the time he was sentenced. Defendant now moves for a resentencing hearing 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). Since Defendant is not a member of the class of offenders afforded relief under either case in that (1) he did not receive a sentence of life *without the possibility of parole* (“LWOP”); (2) the imposition of his life sentence was not mandatory and (3) he has had nineteen parole hearings since he became eligible for parole in 1984, his motion should be denied.

In *Miller*, the United States Supreme Court held that mandatory LWOP sentences for juveniles violate the Eighth Amendment because such sentences risk a disproportionate effect on juvenile offenders. *Miller*, 132 S.Ct. at 2469, 183 L.Ed.2d at 424. The Court in *Miller* discussed, at length, the unique factors attributed to youth, their effect on a juvenile offender, and the constitutional importance of allowing juvenile homicide offenders facing LWOP an opportunity

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<sup>1</sup> Defendant’s motion appears to encompass each of his sentences, despite *Miller* and *Aiken*’s application only to homicide offenders

to present mitigating evidence to the sentencing court prior to receiving such a sentence. *Miller* held 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.* The Court in *Miller* did not hold that a juvenile cannot receive a LWOP sentence for murder, but instead “mandate[d] only that a sentencer follow a certain process—considering an offender’s youth and attendant characteristics—before imposing a particular penalty.” *Id.* at 2471, 183 L.Ed.2d at 426. In *Aiken*, the South Carolina Supreme Court extended the *Miller* holding to our sentencing scheme, which permits but does not mandate LWOP sentences for juveniles accused of murder. *Aiken*, 410 S.C. at 542, 765 S.E.2d at 576.

Both *Miller* and *Aiken* are unequivocal in that the remedy they provide is only available to juveniles sentenced to LWOP. *Miller*, 132 S.Ct. at 2460, 183 L.Ed.2d at 414; *Aiken*, 410 S.C. at 536, 765 S.E.2d at 573. The clear rule from both *Miller* and *Aiken* is that sentencing a juvenile to life *without the possibility of parole*, without first holding a specialized hearing at which the judge specifically considers the unique effects and attributes of juvenility, violates the Eighth Amendment, and only those so situated are entitled to move for resentencing. For those who will become parole eligible, like Defendant, there are multiple chances to obtain release: prior to sentencing and every time they appear before the parole board. *See State v. Finley*, 427 S.C. 419, 831 S.E.2d 158 (2019). *Aiken* emphasizes that the specialized hearing must occur prior to sentencing because *Aiken* only applies to those offenders who are facing LWOP and for whom, unlike Defendant, there is only that one opportunity.

Defendant’s first parole hearing was on November 14, 1984, only ten years into his sentence. In total, Defendant has had nineteen (19) parole hearings—most recently, on January 23, 2019, he was rejected unanimously by the Parole Board. Prior to each hearing, Defendant is

advised of his right to retain an attorney to represent him. “A State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them.” *Montgomery v. Louisiana*, 136 S.Ct. 718, 736, 193, L.Ed. 2d 599, 622 (2016). Defendant has been afforded the very remedy prescribed by the Court in *Montgomery* on nearly two-dozen occasions.

The majority of Defendant’s brief, filed by counsel in support of Defendant’s original motion, appears to request relief from the circuit court in an appellate or oversight capacity over the Parole Board. This court lacks jurisdiction to adjudicate appeals from the Parole Board or to direct or to oversee the function of the Parole Board in the discharge of its statutorily-prescribed duties. See *Cooper v. S.C. Dep’t of Prob., Parole & Pardon Servs.*, 377 S.C. 489, 661 S.E.2d 106 (2008) (holding the Administrative Law Court has jurisdiction to review an appeal of the denial of parole when a person is challenging the method and procedure used by the Parole Board in reaching its decision). After his next parole hearing, Defendant can file a timely appeal in the Administrative Law Court and there raise his procedural challenges to the manner in which the Parole Board arrived at its decision, if applicable.

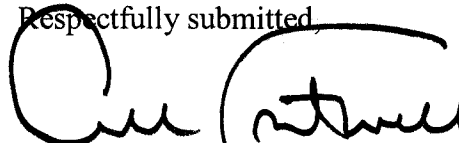
Finally, Defendant has been prohibited by order of the South Carolina Supreme Court “from filing any further PCR applications, habeas corpus petitions or other actions collaterally challenging the above criminal convictions and sentences.” Order, *Lester v. State*, No. 2013-000665 (S.C. 2013). The Court filed this order in response to Defendant’s ten post-conviction relief complaints. Defendant was given many opportunities for hearings prior to the imposition of this order, but he disregarded this order and filed a motion directly prohibited by the Court.

The State respectfully requests this court deny Defendant’s Motion for Resentencing because this Court lacks jurisdiction to hear appeals from the decisions of the Parole Board; or, if

this Court finds it has jurisdiction, to deny his request due to the fact that Defendant is not a member of the class of offenders contemplated by *Miller* or *Aiken* and he has had nineteen parole hearings, any one of which would, pursuant to *Montgomery*, remedy any *Miller* violations.

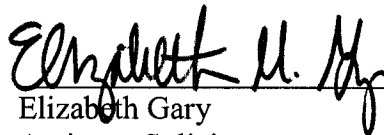
*Montgomery v. Louisiana*, 136 S.Ct. 718, 736 193, L.Ed. 2d 599, 622 (2016).

Respectfully submitted,




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May 28 2021  
 Greenville, South Carolina

STATE OF SOUTH CAROLINA )  
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 COUNTY OF GREENVILLE )  
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 STATE OF SOUTH CAROLINA )  
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 vs )  
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 STEVE LESTER, )  
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 DEFENDANT. )  
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IN THE COURT OF GENERAL SESSIONS

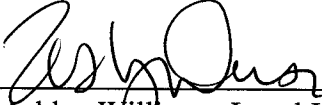
1975-GS-23-0427  
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 B21297, B21299, B22917

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 Paul Hickersmier, Clerk  
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**CERTIFICATE OF SERVICE**

I, Ashley Williams, Legal Investigator, hereby certify that I have on this date served the State's Response to Motion for Resentencing by depositing same with defense counsel or an agent of the Thirteenth Circuit Public Defender's Office at the following address:

Assistant Circuit Defender Andre Nguyen  
 Attorney for the Defendant  
 Thirteenth Circuit Public Defender's Office  
 305 East North Street, Suite 122  
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 \_\_\_\_\_  
 Ashley Williams, Legal Investigator

5/28/21  
 \_\_\_\_\_  
 Date

On behalf of:

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 Attorney for the State  
 305 East North Street, Suite 325  
 Greenville, South Carolina 29601  
 (864) 467-8647  
 afretwell@greenvillecounty.com

I, Andre T. Nguyen, hereby certify that I have received on this date the State's Response to Motion for Resentencing by personal service, and I attest that I am duly authorized to accept such service by virtue of my employment.

  
 \_\_\_\_\_  
 Attorney/Agent

05-28-21  
 \_\_\_\_\_  
 Date

75-429  
B01297  
B01299  
B22917

State of South Carolina  
COUNTY OF GREENVILLE

IN THE COURT OF GENERAL  
SESSIONS

173 MAR 1 AM 10:25  
Paul McKersimer, CDD, GCL, SC

Steve Lester  
#0015259 vs Plaintiff  
Kershaw

MOTION FOR  
RESENTENCING

State of South Carolina

Docket No.

1975 GS-23-00429 00447  
00430

Respondent

I the plaintiff Steve Lester I am  
request for a hearing from the court  
RESENTENCING hearing Aiken v Byars 140 S.C  
Miller vs Alabama 534, 765 S.E. 2d 572 (2014)  
132 S.Ct. at 24662, 2468 132 S.Ct. at 2464

Sincerely  
Clerk of Court  
GREENVILLE COUNTY GENERAL  
SESSIONS

date 2/23/2023  
Steve Lester  
Plaintiff

- emailed to AJ/SO  
- no return copy requested

State of South Carolina  
 COUNTY OF GREENVILLE

STEVE LESTER . PROOF OF SERVICE  
 VS.

State of South Carolina

Being duly sworn state that I am the  
 plaintiff Steve Lester. I state and  
 depose that all is TRUE and correct  
 to BE the best of MY KNOWLEDGE to be  
 service I hereby REQUEST that  
 BE SERVICE

Steve Lester  
 Plaintiff

Sworn to and subscribed before me  
~~at~~ this 22nd February 2023 day of Notary Kempalab  
 Public for South Carolina  
 My commission Expires 8/4/2023

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, B21299, B22917

**ORDER**

28 NOV 7 PM 4:41  
 One Street One Six Six

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<sup>1</sup> 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

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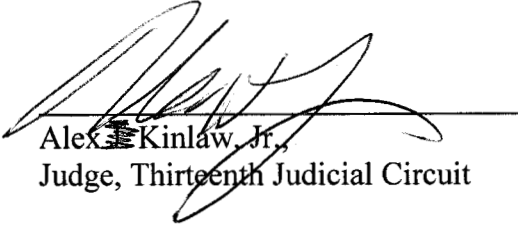
<sup>1</sup> By Order of the South Carolina Supreme Court, individuals sentenced prior to July 23, 2015, were given one year from that date in which to file a motion for resentencing pursuant to *Aiken*.

A handwritten signature in black ink, appearing to be 'M. J. #1'.

life sentence. In fact, Petitioner's first parole hearing<sup>2</sup> 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 7, 2023  
Greenville, South Carolina

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

**CERTIFICATE OF COUNSEL FOR APPELLANT**


Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

**RECEIVED**

**May 07 2025**

**SC Court of Appeals**

Respectfully Submitted,

  
\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 7<sup>TH</sup> day of May, 2025.

**RECEIVED**

**May 07 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

\_\_\_\_\_  
STEVE LESTER,

APPELLANT,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001900

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Kaylee Christene Kemp, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 7<sup>th</sup> day of May, 2025.



\_\_\_\_\_  
Sarah E. Shipe  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

## **Warren, Kaylynn**

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**From:** Warren, Kaylynn  
**Sent:** Wednesday, May 7, 2025 9:38 AM  
**To:** Kaylee Kemp  
**Cc:** Shipe, Sarah; Brandy Rankin  
**Subject:** 2023-001900 Steve Lester v. The State  
**Attachments:** 2023-001900 Steve Lester v. The State Record on Appeal.pdf

Good Morning,

Attached for service in the above-referenced case is the Record on Appeal which will be filed today, May 7, 2025, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330