

Brian Diggs #248969

Broad River Correctional Inst. MU-A 260
4460 Broad River Rd.

Columbia, S.C 29210

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MAY 18 2016

Chief Justice Costa M. Pleicones
The Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

May 9 2016

Re: Diggs v. State Appellate Ca No. 2016-000666/Lower Court No 2015CP2901434
Motion For Resentencing pursuant to Aiken v. Byars 410 S.C 534, 765
SE 2d 572 (2014)

Dear Chief Justice Pleicones,

I am writing you this informal letter because it is my understanding that you have appointed a special judge to hear cases which involved the matter of Juvenile Life Without Parole (JLWOP) via a motion in the court of general sessions. My case and sentence qualify, and I am requesting that you allow this informal letter act as my motion.

~~When~~ When I was 17 the state moved to seek the death penalty against me. However, the state later negotiated a plea deal where I received a 30 life sentence for murder and a consecutive 10 years for attempted armed robbery pursuant to S.C Code Ann 16-3-20 (B) 1993 version. It is my contention that my sentence and the statute in which I was sentence has the virtual effect of a sentence of JLWOP (De facto) and is disproportionate in light of my age. My sentence qualifies for review pursuant to Aiken v. Byars inasmuch as it is the functional equivalent of JLWOP and serves no legitimate penological purpose.

I ask that you please allow this informal letter as my request to be added to the list of cases that are to be heard in the special court you appointed. I would like to bring to your attention that I have made much effort and due diligence to present this same request to the Lower Courts and State by filing a motion intended for the Court of General Sessions requesting a hearing pursuant to Aiken v. Byars and a P. C. R on October 20, 2015.

However, ^{I submitted} there was a typographical / Clerical error in the caption of my motion; erroneously the motion was captioned "IN THE COURT OF COMMON PLEAS" which was intended to read "IN THE COURT OF GENERAL SESSIONS." Consequently, I did not notice the typo until the state moved the lower court to sign a final order RESTRICTING FUTURE FILINGS which impeded me from resubmitting the corrected motion. Moreover, I was not given the proper opportunity to respond to the state motion as I received the denial after 20 days had elapsed.

Nevertheless, please accept this letter and order that my case be heard in the proceeding that are scheduled to be heard with those who have submitted motion pursuant to Aiken v. Byars.

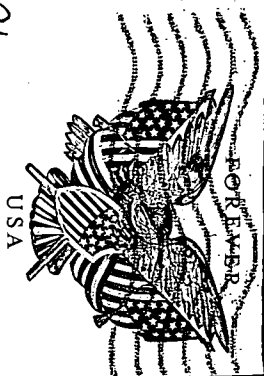


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Columbia South Carolina
May 7, 2016

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Chief Justice Costa M. Pleicones
The Supreme Court of South
P.O. Box 11330
Columbia, S.C. 29211

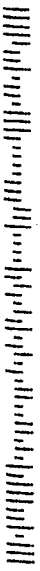
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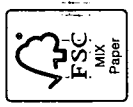
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S.C. DEPARTMENT OF CORRECTIONS

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