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Robert M. Dudek, Chief Appellate Defender
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June 14, 2016

RECEIVED

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JUN 14 2016

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629

SC Court of Appeals

RE: Maurice Alphonso Roberts, Jr. v. State,
Appellate Case No.: 2014-000468

Dear Mrs. Kitchings:

This case is scheduled for oral argument on Wednesday, June 15, 2016 at 11:20 A.M. I will be arguing this case due Chief Appellate Defender Robert Dudek's conflicting oral argument at the Supreme Court in the case of State v. Bryan Rearick. Pursuant to Rule 208(b)(7), SCACR, I am notifying this Court that the following cases are relevant to the issues presented in this case:

Montgomery v. Louisiana, 136 S.Ct. 718 (2016) (holding state courts must apply Supreme Court's decision in *Miller v. Alabama* retroactively);

Graham v. Florida, 560 U.S. 48 (2010) (holding the Eighth Amendment prohibits imposition of life without parole sentence on juvenile offender who did not commit homicide and the State must provide such an offender with a meaningful opportunity to obtain release);

State v. Kimbrough, 212 S.C. 348, 46 S.E.2d 273 (1948) (remanding for resentencing where the trial court imposed a thirty year sentence for burglary when the jury had recommended mercy);

State v. Bonner, 400 S.C. 561, 735 S.E.2d 525 (Ct. App. 2012) (remanding defendant's case for resentencing);

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Parker v. State, 119 So. 3d 987 (Miss. 2013) (holding that a juvenile's sentence of life imprisonment with the possibility of conditional release at age 65, resulting in a 45 year sentence, violated Eighth Amendment's prohibition against cruel and unusual punishment);

Casiano v. Comm'r of Correction, 115 A.3d 1031, 1046 (2015) (holding that fifty year sentence was functional equivalent of a life sentence);

United States v. Taveras, 436 F.Supp.2d 493, 500 (E.D.N.Y.2006)(acknowledging that life expectancy within federal prison is "considerably shortened"), vacated in part on other grounds sub nom. United States v. Pepin, 514 F.3d 193 (2d Cir.2008); and

T.R., P.R. and K.W. v. S.C. Dep't of Corr., No. 2005-CP-40-2925 (Baxley, J., January 8, 2014) (Order Granting Judgment in Favor of Plaintiffs) (detailing conditions in South Carolina Department of Corrections with focus on department's unconstitutional treatment of mentally ill inmates).

Accordingly, I am offering the above-referenced cases as supplemental citations to Maurice Roberts' Brief of Appellant. Thank you for your time and attention to this matter. By copy of this letter, I am informing opposing counsel. If you have any questions or concerns, please do not hesitate to contact me at your convenience at (803) 734-0817.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Strom". The signature is stylized with several loops and a long horizontal stroke.

John H. Strom
Appellate Defender

JHS/css

cc: Sherrie Butterbaugh, Esquire