

STATE OF SOUTH CAROLINA )

GENERAL SESSIONS COURT

COUNTY OF BERKELEY )

SENTENCE

CASE NO. 48 -GS-08- 6668

TICKET/WARRANT NO. F 437441

OFFENSE CODE NO. 116

COURT REPORTER: Doyle Brown

PLED TO: Murder

The defendant, Eric D. McCall, is committed to the State Department of Corrections/Berkeley County Detention Center for a term of Life Imprisonment days / months / years and/or to pay a fine of \$ \_\_\_\_\_ ; provided the sentence be suspended upon the service of \_\_\_\_\_ days / months / years and/or payment of \$ \_\_\_\_\_ plus assessment and collection fee, the balance suspended with probation for \_\_\_\_\_ months / years.

Special conditions: \_\_\_\_\_

**RECEIVED**

APR 03 2017

SC Court of Appeals

Restitution (YES/NO) ..... Total \$ \_\_\_\_\_

to Clerk for \_\_\_\_\_

Date: November 18, 1998

RM Carley Dean  
Presiding Judge, Ninth Judicial Circuit

Base Fine..... \$ \_\_\_\_\_  
62% Assessment ..... \$ \_\_\_\_\_  
3% Collection Fee ..... \$ \_\_\_\_\_  
TOTAL FINE DUE ..... \$ \_\_\_\_\_

INFORMATION ON DEFENDANT  
Age: \_\_\_\_\_ S.S. No. \_\_\_\_\_  
M \_\_\_\_\_ F \_\_\_\_\_ Married \_\_\_\_\_ Single \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Attorney: \_\_\_\_\_

\*\*\*\*\*  
ALL PAYMENTS MUST BE MADE BY CASH, MONEY ORDER OR CASHIER CHECK. WE CANNOT ACCEPT PERSONAL CHECKS.  
\*\*\*\*\*

White Copy ..... to Clerk  
Canary ..... to Detention Center  
Pink ..... to Solicitor

MARY P. BROWN, CLERK OF COURT  
300B CALIFORNIA AVENUE - P.O. BOX 219  
MONCK'S CORNER, SC 29461  
761-6900 OR 723-3800 OR 567-3311  
EXTENSION 5116

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

THE STATE OF SOUTH CAROLINA,

vs.

ERIC D. MCCALL,

Defendant.

) IN THE COURT OF GENERAL SESSIONS  
) THE NINTH JUDICIAL CIRCUIT

) Case No: 1998-GS-08-0668

) MOTION FOR RESENTENCING PURSUANT  
) TO AIKEN V. BYARS

**RECEIVED**

APR 03 2017

SC Court of Appeals

MARY P. BROWN  
CLERK OF COURT  
BERKELEY COUNTY, S.C.

16 MAY 31 PM 4:07

FILED

JAMM

Defendant, through his undersigned counsel, moves for this Court to reconsider his life without parole sentence for Murder based on the *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014) (*cert. denied Byars v. Aiken*, 135 S.Ct. 2379 (2015)). Defendant asserts that he entitled to receive a sentence after the court examines the following factors: “(1) the chronological age of the offender and the hallmark features of youth, including ‘immaturity, impetuosity, and failure to appreciate the risks and consequence’; (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.’” *See id.*, 410 S.C. at 544, 765 S.E.2d at 577. Defendant hereby moves for a resentencing hearing in which he may call witnesses to present evidence related to these factors as well as other mitigation evidence.

[Signature Page Follows]

Respectfully Submitted,



---

Tristan M. Shaffer (SC Bar 77565)  
225 Columbia Ave.  
Chapin, SC 29036  
(803) 941-7514  
tristan@shafferlawsc.com

Attorney for Defendant

May 31, 2016