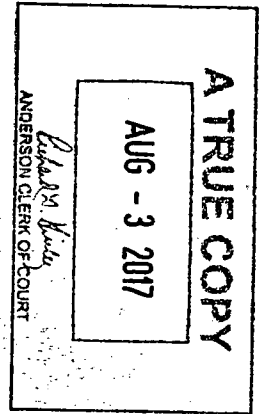


STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)
MATTHEW THOMAS PICKENS, JR.)
Petitioner,)
VS.)
THE STATE OF SOUTH CAROLINA,)
Respondent,)

IN THE COURT OF GENERAL SESSIONS
TENTH JUDICIAL CIRCUIT
INDICTMENT NO.: 1988-GS-04-00476-478
1988-GS-04-00483

ORDER OF DISMISSAL



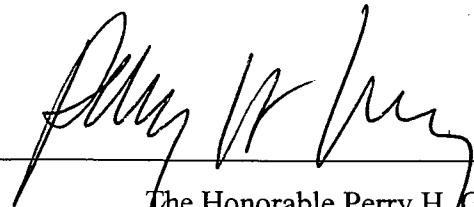
This matter came before the Court on June 22, 2017. The State was represented by Assistant Solicitor Al Means. Jennifer Johnson, Chief Public Defender for the 10th Judicial Circuit, represented the Petitioner. Petitioner had filed a motion for resentencing pursuant to Aiken v. Byars on September 11, 2015, having been found guilty of Burglary 1st Degree and Criminal Sexual Conduct, 1st Degree and sentenced to Life and thirty years respectively on September 21, 1988. This Court was given jurisdiction to hear Petitioner's Aiken v. Byars petition by order of Chief Justice Pleicones on July 18, 2016.

Aiken v. Byars governs the due process due to a juvenile defendant who has been sentenced to life *without the possibility parole*. The holding and requirements of Aiken v. Byars do not extend beyond that circumstance.

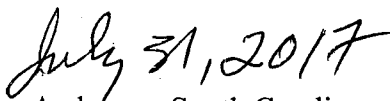
All parties agree that Petitioner was a juvenile for the purposes of Aiken v. Byars at the time of his sentencing and he did receive a life sentence. However, it is apparent, and all parties agree, that the petitioner was not sentenced to life *without the possibility of parole*. The Petitioner's record indicates that he was in fact paroled and has been re-incarcerated. Petitioner is currently eligible for parole again.

By its own terms, Aiken v. Byars is not applicable to the Petitioner on two grounds: the original sentence imposed was not the sentence described in Aiken, and Petition is not currently incarcerated directly pursuant to the original sentence. Therefore, the Petitioner is not entitled to the relief provided by Aiken v. Byars. Petitioner's motion for a sentencing hearing pursuant to Byars is thus dismissed.

It is so ordered.



The Honorable Perry H. Gravely
Siding Judge


Anderson, South Carolina

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