

**Jack D. Howle, Jr**  
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**Office of the 3rd Circuit Public Defender**  
**215 N. Harvin Street, Room 151**  
**Sumter, SC 29150**  
**803-774-6137**

August 17, 2017

**Via Regular Mail**

Criminal Appeals Clerk  
The S.C. Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**  
**AUG 21 2017**  
**SC Court of Appeals**

**Re: State v. Jon Smart**

Case No(s):

**2000-GS-14-0356**

Dear Clerk:

Enclosed you will find the original Notice of Appeal in the above matter along with Proof of Service upon the Respondents. The Notice has been filed with the Clarendon County Clerk of Court.

The Defendant initially entered a guilty plea, as a minor, before The Honorable Thomas W. Cooper, Jr. on May 25, 2001. Subsequently Judge Cooper sentenced the Defendant to life without the possibility of parole on August 11, 2001

In accordance with Aiken vs. Byars, this matter was assigned by Supreme Court Justice Costa M. Pleicones to The Honorable D. Craig Brown for a Re-Sentencing Hearing on May 24, 2017.

Judge Brown did not rule at the hearing on May 24, 2017 but scheduled a further hearing in Clarendon County on August 10, 2017 to issue his Order.

The Defendant was notified of the sentence of Judge Brown in open court by Judge Brown, as Judge Brown read his findings, and the reasons therefore into the record at that time. Judge Brown's Order stated that the sentence of Life Without Parole should remain in effect.

The Aiken case refers to the factors a sentencing court should consider at a hearing as stated in Miller vs. Alabama.

One of these factors is the chronological age of the offender and the hallmark features of youth. The Defense had Dr. David Price, a qualified expert psychologist, testify at the hearing on May 25, 2017 as to the impact of this factor including immaturity, impetuosity and failure to

appreciate the risks and consequences of the act on the Defendant.

Further, at the hearing, the sister of the Defendant, Tammy Smart, testified as to the family and home environment, which involved extensive drug use, and how this impacted the life of the Defendant.

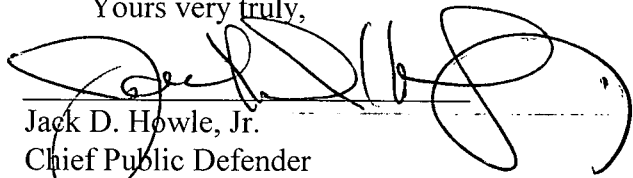
The Defense would state that these two factors had a very significant impact on the Defendant and certainly had an affect on the Defendant's actions in regard o the charged offense.

The Defense also addressed the other factors as stated in Miller and would state that these would indicate that the sentence of Life Without Parole should be reversed and a sentence with a specific number of years of incarceration be imposed.

These matters are being referred to the Office of Appellate Defense in that we were participating as Court appointed counsel at trial.

Thank you for your attention to this matter.

Yours very truly,



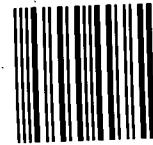
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Attorney for Appellant

Enclosure(s) - As Listed

cc: Office of the Third Circuit Solicitor  
Office of Appellate Defense  
Office of Clerk of Court for Clarendon County

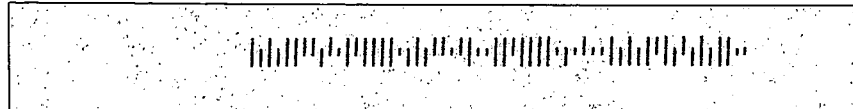


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Clarendon County Courthouse  
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