

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Spartanburg County

J. Mark Hayes, II, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

PATRICK STROZIER,

**RECEIVED**  
JAN 17 2018  
SC Court of Appeals  
APPELLANT

APPELLATE CASE NO 2017-001109

RECORD ON APPEAL

SUSAN B. HACKETT  
Appellate Defender

ALAN WILSON  
Attorney General

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

J. BENJAMIN APLIN  
Senior Assistant Deputy Attorney General  
Attorney General Office  
P. O. Box 11549  
Columbia, SC 29211

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX..... i

RESENTENCING HEARING TRANSCRIPT DATED APRIL 20, 2017.....1

STATE’S EXHIBIT #1 (BIRTH CERTIFICATE) .....9

LETTER TO SUPREME COURT DATED JANUARY 21, 2015 .....11

ORDER FROM THE SUPREME COURT DATED FEBRUARY 24, 2015 .....14

MOTION FOR RESENTENCING.....15

ORDER FROM THE SUPREME COURT DATED MARCH 25, 2016.....21

ORDER FROM THE SUPREME COURT DATED APRIL 19, 2016.....23

ORDER FROM THE SUPREME COURT DATED NOVEMBER 16, 2016.....24

RETURN TO DEFENDANT’S MOTION FOR RESENTENCING .....26

ORDER GRANTING STATE’S MOTION TO DISMISS DEFENDANT’S REQUEST FOR  
RESENTENCING .....35

INDICTMENT.....37

CERTIFICATE OF COUNSEL .....39

1 STATE OF SOUTH CAROLINA )  
 2 COUNTY OF SPARTANBURG ) COURT OF GENERAL SESSIONS

3  
 4 STATE OF SOUTH CAROLINA, ) TRANSCRIPT  
 5 PLAINTIFF, ) OF  
 6 VS. ) RECORD  
 7 PATRICK STROZIER, ) 1984-GS-42-239  
 8 DEFENDANT. )

9  
 10 April 20<sup>th</sup>, 2017  
 11 Spartanburg, South Carolina

12  
 13 B E F O R E:  
 14 THE HONORABLE J. MARK HAYES, II, Judge.

15  
 16 A P P E A R A N C E S:  
 17 BARRY BARNETTE  
 18 SOLICITOR  
 Attorney for the State  
 19 CLAY ALLEN  
 20 PUBLIC DEFENDER  
 Attorney for the Defendant

21  
 22  
 23 PAMELA E. GREEN  
 24 Circuit Court Reporter  
 25 Seventh Judicial Circuit

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

EXHIBITS

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
	<u>State's Exhibits</u>		
S-1	Birth Certificate	3	

## 1 P R O C E E D I N G S

2

3 (WHEREUPON, a birth certificate was marked as State's  
4 Exhibit No. 1 for identification purposes only at this  
5 time.)

6 THE COURT: All right. We'll go on the record on the  
7 matter of Strozier versus the State. I've got that this is  
8 the original Docket Number of 1984-GS-42-00329.

9 Mr. Strozier has filed a motion for resentencing  
10 pursuant to Aiken v. Byars and Miller versus Alabama. The  
11 State has filed a return and a motion and we're here today  
12 on the State's motion to dismiss.

13 Yes, sir, be more than happy to hear from you.

14 SOLICITOR BARNETTE: Okay. Thank you, Your Honor.

15 I know you received my return to it and motion in this  
16 case, Your Honor. Basically -- you want me to go into much  
17 detail or just go straight to the point?

18 THE COURT: Just however much detail you think I need.  
19 I have reviewed it. So as far as memorizing it, I haven't  
20 but I've reviewed it, yeah.

21 SOLICITOR BARNETTE: I understand and basically I  
22 think -- the defendant pled guilty on his kidnapping and  
23 criminal sexual conduct in the first degree charges. He  
24 pled guilty on February 7<sup>th</sup>, 1984, in front of the  
25 Honorable Paul Moore here in Spartanburg General Sessions

1 Court, Your Honor. He received a life sentence on the  
2 kidnapping charge and 30 years consecutive to the CSC first  
3 charge, Your Honor.

4 We would argue that he's not, if I understand  
5 correctly -- I have State Exhibit No 1, Your Honor. Birth  
6 certificate's been sent from Georgia, Your Honor. This is  
7 the original. I've also supplied copies to Mr. Allen for  
8 the defense for that. I believe also the Court through  
9 email. However, I had it premarked.

10 THE COURT: Okay.

11 SOLICITOR BARNETTE: If I could go ahead and hand that  
12 up to Your Honor and make that part of the record please.

13 Your Honor, according to that birth certificate, Your  
14 Honor, he was actually 18 years old, 18 years old, 11  
15 months, and 361 days, Your Honor. His birthday, according  
16 to that, is November 12<sup>th</sup>, 1964. The offense date was  
17 November 8<sup>th</sup>, 1983. Therefore, Your Honor, we feel like,  
18 just based off the age requirements, he does not meet the  
19 requirements of Miller versus Alabama as well as Aiken  
20 versus Byars in this case.

21 I do have some other parts of the motion but I think  
22 I'll just state that one at this point, Your Honor, cause I  
23 think that answers the question concerning this issue.

24 THE COURT: Yes, sir, Mr. Allen.

25 MR. ALLEN: May I take a look at the -- I mean I have

1 been provided a copy of the State's Exhibit. My client has  
2 raised the question about one thing, and it is a copy of the  
3 document that the State has previously provided.

4 SOLICITOR BARNETTE: I apologize.

5 One thing, Your Honor, I realized on the birth  
6 certificate, it actually says November 11<sup>th</sup>, 1964, instead  
7 of November 12<sup>th</sup>, '64. Just make that correction, Your  
8 Honor.

9 MR. ALLEN: As far as the State's return, I mean I  
10 presume the State is not arguing, at this time, the issues  
11 raised in their Paragraph Number 4, 5, or 7. And since  
12 they're not arguing that, then I don't see any need to  
13 argue. Unfortunately, I don't have any argument as to, to  
14 present to the Court as to the birth certificate issue.

15 THE COURT: Is it in agreement that the Aiken v. Byars  
16 case and the cases that apply to that means that the term  
17 minor would be under the age of 18?

18 MR. ALLEN: That's my -- quite frankly, Your Honor,  
19 that's my reading of the case.

20 THE COURT: Okay.

21 MR. ALLEN: One must be a juvenile who is sentenced to  
22 life without parole. And while there, there may be  
23 arguments concerning an ineffective life without parole  
24 sentence but my reading of the case is that one must be a  
25 juvenile. And my understanding of, of the situation is that

1 one must be under the age of 18 in order to qualify as a  
2 juvenile.

3 THE COURT: And is it agreement that the determination  
4 of when a person's status as a juvenile -- is a juvenile is  
5 the date of the offense and not the date of the sentencing?

6 MR. ALLEN: Yes, sir. Yes, Your Honor. I---

7 SOLICITOR BARNETTE: That's correct.

8 MR. ALLEN: I agree with that. It must be as of the  
9 date of the offense and not the date of the trial or  
10 anything like that.

11 THE COURT: Okay. All right. You know, based upon  
12 that narrow issue, I believe the State is entitled to have  
13 their motion to dismiss granted just on that narrow issue.

14 The State want to prepare a formal order to share it  
15 with Mr. Allen and let the -- let me take a look at it?

16 SOLICITOR BARNETTE: Yes, sir. What I can do, I can  
17 email both of y'all at the same time. That way he gets a  
18 chance to review too if he wants to make any changes. But,  
19 but it will just be on the issue we just discussed here in  
20 the motion hearing.

21 THE COURT: Okay. All right. Well, thank you very  
22 much.

23 Thank you, sir. Good luck to you.

24 THE DEFENDANT: Thank you, Your Honor.

25 THE COURT: Thank you.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

\* \* \*END OF REQUESTED TRANSCRIPT OF RECORD\* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 20<sup>th</sup> day of April, 2017.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

July 21<sup>st</sup>, 2017



PAMELA E. GREEN, Court Reporter

**CERTIFICATE OF VITAL RECORD**

VERIFY PRESENCE OF WATERMARK

HOLD TO LIGHT TO VIEW

**CERTIFICATE OF LIVE BIRTH**  
 GEORGIA DEPARTMENT OF PUBLIC HEALTH

82681

State File No. \_\_\_\_\_

Custodian's No. \_\_\_\_\_

18414

THIS CHILD	1. NAME OF CHILD (First) (Middle) (Last) <i>Patricia Ann Storrion</i>	3. WEIGHT OF CHILD AT BIRTH Lbs. <i>8.57</i> Grams	4. HOUR OF BIRTH A. M. <i>3:01</i> P. M.	5. DATE OF BIRTH <i>11-11-64</i>
	2. SEX MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>	7. IF TWIN OR TRIPLET, THIS CHILD BORN 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>		8. IS CHILD ALIVE WHEN REPORT FILED? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
	6. THIS BIRTH Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triplet <input type="checkbox"/>	8. PLACE OF BIRTH - COUNTY <i>Fulton</i>		10. CITY OR TOWN <i>Atlanta</i>
PLACE OF BIRTH	12. NAME OF HOSPITAL (If Not in a Hospital, Give Street Address or Rural Route - Do Not Give P. O. Box No.)			
	13. NAME OF FATHER (First) (Middle) (Last) <i>Johnny Smith</i>		15. AGE AT TIME OF THIS BIRTH <i>34</i>	
FATHER OF CHILD	14. RACE <i>Black</i>	16. BIRTHPLACE OF FATHER <i>Atlanta, Ga.</i>		18. KIND OF BUSINESS OR INDUSTRY <i>General Roofing Co.</i>
	17. USUAL OCCUPATION <i>Farmer</i>	19. MAIDEN NAME OF MOTHER (First) (Middle) (Last) <i>Ruth Ann Storrion</i>		21. AGE AT TIME OF THIS BIRTH <i>29</i>
MOTHER OF CHILD	20. RACE <i>Black</i>	22. BIRTHPLACE OF MOTHER <i>Atlanta, Ga.</i>	23. LENGTH OF PREGNANCY Completed Weeks <i>38 weeks</i>	
	24. PREVIOUS DELIVERIES TO MOTHER (Do Not Include This Birth) <i>12</i>	NUMBER OF OTHER CHILDREN NOW LIVING <i>0</i>	NUMBER OF OTHER CHILDREN BORN ALIVE-NOW DEAD <i>0</i>	NUMBER OF FETAL DEATHS OF ANY GESTATION AGE <i>5</i>
USUAL RESIDENCE OF MOTHER	25. USUAL RESIDENCE OF MOTHER - City or Town <i>F028 Atlanta 31318</i>		26. COUNTY <i>Fulton</i>	27. STATE <i>Ga.</i>
	28. ADDRESS (21-4 Street Address or Rural Route Number) <i>81 Bell St. No 945</i>		29. IN CITY LIMITS? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	30. IS RESIDENCE ON A FARM? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
INFORMANT'S SIGNATURE <i>Ruth Ann Storrion</i>	31. SIGNATURE OF MOTHER <i>Ruth Ann Storrion</i>		32. RELATIONSHIP TO INFANT <i>Mother</i>	
ATTENDANT'S CERTIFICATION	I hereby certify that this child was born alive on the date stated above.		33. ATTENDANT'S OWN SIGNATURE <i>H. Moore</i>	
	34. ATTENDANT'S POST OFFICE ADDRESS <i>Atlanta</i>		35. DATE SIGNED <i>11-11-64</i>	
LOCAL REGISTRAR	36. LOCAL REGISTRAR'S OWN SIGNATURE <i>Kate Pierce</i>		37. DATE FILED <i>NOV 18 1964</i>	
AMENDMENTS OR CORRECTIONS	38. DATE OF AMENDMENT OR CORRECTION		39. EVIDENCE USED	

ADM. 5.1

THIS IS TO CERTIFY THAT THIS IS A TRUE REPRODUCTION OF THE ORIGINAL RECORD ON FILE WITH THE STATE OFFICE OF VITAL RECORDS, GEORGIA DEPARTMENT OF PUBLIC HEALTH. THIS CERTIFIED COPY IS ISSUED UNDER THE AUTHORITY OF CHAPTER 31-10, CODE OF GEORGIA AND 511-1-3, DPH RULES AND REGULATIONS. Any reproduction of this document is prohibited by statute. Do not accept unless on security paper with seal of Vital Records clearly embossed. Chapter 31-10, Code of Georgia as amended.



BY



492080

Registrar

*James J. Moore*



S1082971

**WARNING:**

MAR 30 2017

THIS DOCUMENT IS PRINTED ON SECURITY WATERMARKED PAPER AND CONTAINS SECURITY FIBERS. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARK. THE DOCUMENT FACE CONTAINS A SECURITY BACKGROUND, EMBOSSED SEAL AND THERMOCHROMIC INK. THE BACK CONTAINS SPECIAL LINES WITH TEXT.



Form 3972 (Rev. 5/15)

VOID IF ALTERED OR COPIED

Georgia Department of Public Health  
Office of Vital Records

The information appearing on the Certificate of Birth transcribed from the original birth certificate as filed with the Office of Vital Records. The Office of Vital Records reserves the right to accept or reject any correction.

DATA	ORIGINAL RECORD NOW READS	CORRECTION(S) DESIRED (print full names, dates, other)
NAME AT BIRTH		
DATE OF BIRTH		
SEX		
OTHER ERROR		
OTHER ERROR		
SIGNATURE OF FATHER		PRESENT ADDRESS
SIGNATURE OF MOTHER		STREET
SIGNATURE OF PERSON NAMED ON RECORD		CITY STATE ZIP CODE
TO BE COMPLETED BY NOTARY PUBLIC ONLY		PHONE NUMBER ( )
State of	Notary Instructions:	
Signed and sworn to before me	USE BLACK INK for all signatures and/or the notary stamp.	
this (Day) of (Month), 20	Do not notarize if there are any alterations, such as: scratch out, correction fluid, write-over or erasure.	
Print name of person(s) appearing before the Notary Public	Do not notarize unless signed by subject (or parent(s) if under age 18) in the presence of the Notary.	
1.	Complete all items in the Notary section and affix your notary stamp and/or seal.	
2.		
Signature of Notary Public		
Address of Notary Public		
My commission expires		
Notary Stamp and/or Seal		

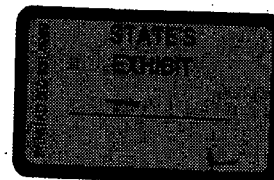
Instructions to Correct Birth Certificate during first year following event:

Complete the above affidavit in the presence of a Notary Public. Upon receipt and review of the documentation and notarized affidavit, the Office of Vital Records will determine if the correction can be made.

Original documents supporting the correction(s) requested must be submitted, such as marriage record, Social Security record, school record, military record, etc. Please contact Office of Vital Records if you have any questions. The person(s) requesting the correction must include with the notarized affidavit a clear copy of his/her valid government issued photo ID. If possible, enlarge photo ID on copier by at least 150%.

Mail completed affidavit form, documents and ID to:  
Office of Vital Records  
2600 Skyland Dr.  
Atlanta, GA 30319  
404-679-4702

For additional information, visit our website at <http://health.state.ga.us/programs/vitalrecords>



Mr. Patrick Strozier #119319  
McCormick Correctional Inst.  
386 Redemption Way  
McCormick, S.C. 29899

RECEIVED  
JAN 22 2015  
OFFICE OF CHIEF JUSTICE

DATE: 1.21.15

THE SUPREME COURT OF SOUTH CAROLINA  
C/O JEAN TOAL, CHIEF JUSTICE  
POST OFFICE BOX 11330  
COLUMBIA, S.C. 29211

RECEIVED

JAN 22 2015

S.C. SUPREME COURT

RE: PATRICK STROZIER V. STATE OF SOUTH CAROLINA  
APPELLATE CASE No. 2013-00287

DEAR HON. CHIEF JUSTICE TOAL,

I AM SUBMITTING THIS CORRESPONDENCE IN THE ABOVE MATTER SEEKING PERMISSION FROM THIS COURT UPON YOUR ORDER JAN. 30, 2014. THE REASON WHY I'M SEEKING TO FILE A MOTION FOR RESENTENCING UPON THE CASE WITHIN THE ORIGINAL JURISDICTION OPINION No. 2746 HEARD JAN. 8, 2014 - FILED NOV. 12, 2014.

WHEREBY AT THE TIME OF MY CRIME I WAS SEVENTEEN YEARS OLD CASE APPLIES TO ME ALSO, THEREFORE I'M SEEKING PERMISSION FROM THIS COURT TO FILE BEFORE MY (1) ONE YEAR DEADLINE.

THANKING YOU IN ADVANCE FOR YOUR TIME IN THIS MATTER.

SI Patrick Strozier  
PATRICK STROZIER

2015 APR 14 PM 2:17

STATE OF SOUTH CAROLINA )  
COUNTY OF McCORMICK ) CERTIFICATE OF SERVICE

I PATRICK STROZIER, STATES THAT I HAVE SERVED MY LETTER  
SEEKING PERMISSION FROM THE SOUTH CAROLINA SUPREME COURT  
BY DEPOSITING A COPY WITHIN THE U.S. MAIL POSTAGE PRE-PAID  
ADDRESSED AS FOLLOWS:

SOUTH CAROLINA SUPREME COURT  
C/O JEAN TOAL, CHIEF JUSTICE  
POST OFFICE BOX 11330  
COLUMBIA, S.C. 29211

DANIEL E. SHEARHOUSE, CLERK OF COURT  
SOUTH CAROLINA SUPREME COURT  
POST OFFICE BOX 11330  
COLUMBIA, S.C. 29211

SWORN AND SUBSCRIBED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015

31  
PATRICK STROZIER

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

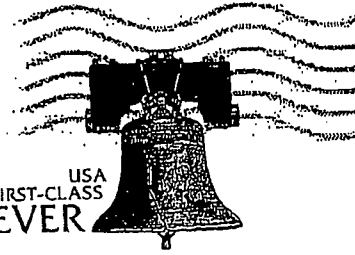
2016 APR 14 PM 2:17  
M. H. P. L. S. L. A. N. S. Y.

**RECEIVED**  
JAN 22 2015  
S.C. SUPREME COURT

MR. PATRICK STROZIER #19319  
McCormick Correctional Inst.  
386 REDEMPTION WAY  
McCormick, SC 29849

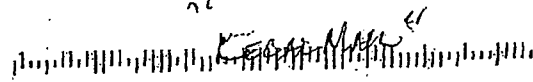
AUGUSTA GA 309

20 JAN 2015 PM 2 L



THE SUPREME COURT OF SOUTH CAROLINA  
C/O JEFF TOML, CHIEF JUSTICE  
POST OFFICE BOX 11330  
COLUMBIA, S.C. 29211

2921131930



POSTAGE WILL BE PAID BY ADDRESSEE

2016 APR 14 PM 2:17

POST OFFICE BOX 11330

COLUMBIA, SC 29211

CLERK OF COURT  
SPARTANBURG COURT

# The Supreme Court of South Carolina

APR 25 AM 10:52


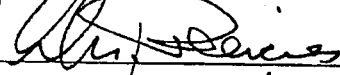
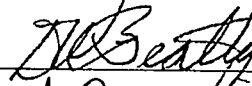
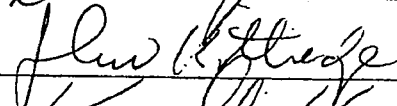
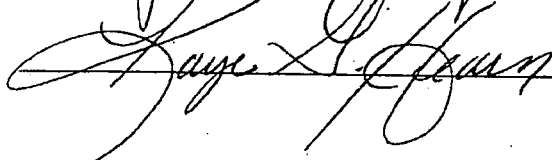
M. HOPE BLACKLEY

In re: Patrick Strozier, Petitioner.

Appellate Case No. 2015-000156

## ORDER

By order dated January 30, 2014, petitioner was prohibited from filing any further collateral actions, including post-conviction relief and habeas corpus actions, in the circuit court challenging his 1984 convictions for kidnapping and first degree criminal sexual conduct without first obtaining permission to do so from this Court. Petitioner now seeks permission to file a motion for resentencing in the circuit court pursuant to this Court's recent decision in *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d.572 (2014). The request is denied.

	_____	C.J.
	_____	J.
	_____	J.
	_____	J.
	_____	J.

Columbia, South Carolina

February 24, 2015

cc:

Patrick Strozier, 00119519

SCANNER



## ARGUMENT

AT THE TIME OF THE CRIME (NOV. 8, 1983) STROZIER WAS SEVENTEEN YEARS OF AGE, HE WAS A JUVENILE AND LACKED THE MATURITY IN WHICH ADULTS HAVE. STROZIER HAD AN UNDERDEVELOPED SENSE OF RESPONSIBILITY, AND HE WAS VULNERABLE TO NEGATIVE INFLUENCES AND OUTSIDE PRESSURES, INCLUDING FAMILY, AND PEERS. STROZIER STILL HAD AN EVOLVING CHARACTER AND PERSONALITY TRAITS.

CLERK OF COURT  
SPARTA JUDICIAL CIRCUIT  
2016 FEB -1 AM 10:07  
THOMAS ANN UN-  
BLACKLEY

AT THE TIME OF STROZIER'S CRIME AND PLEA, S.C. CODE § 36B-19-20 OUTLINED A JUVENILE IS A PERSON LESS THAN SEVENTEEN YEARS OF AGE. THEREFORE, STROZIER FALLS UNDER THE CLASS OF DEFENDANTS WHO WERE JUVENILES AT THE TIME OF HIS CRIME. STROZIER COULD NOT EFFECTIVELY DEAL OR ASSIST IN DEALING WITH THE PROSECUTION OR NEGOTIATING WITH IN PLEA AGREEMENT.

AT HIS PLEA HEARING, STROZIER WAS NOT INFORMED AS TO THE TIME HE WOULD HAVE TO SERVE BEFORE BECOMING PAROLE ELIGIBLE UNTIL HIS COURT APPOINTED ATTORNEY CONFERRED WITH HIM IN A RECESS. STROZIER WAS NOT PROPERLY ADVISED OF THE DIRECT AND COLLATERAL CONSEQUENCES OF HIS PLEA.

THUS, STROZIER SHOULD BE RESENTENCED. AT THE TIME OF HIS CRIME, YOUTH WAS ONLY CHRONOLOGICAL FACT AND A PLEA FOR MERCY.

HOWEVER, AIKEN, AND MILLER HOLD YOUTH IS A CONSTITUTIONAL MATTER IN SENTENCING.

THE CIRCUMSTANCES OF THE OFFENSE WHICH THE PROSECUTORS DID MAKE MR. STROZIER'S OUT TO BE THE LEADER OF THIS CRIME WHICH IS NOT TRUE. MR. STROZIER INCOMPETENT AND ASSOCIATED WITH YOUTH WHEREBY HIS INABILITY TO DEAL WITH POLICE OFFICERS OR PROSECUTOR ON A PLEA AGREEMENT OR TO ASSIST HIS COURT APPOINTED ATTORNEY, WHEREBY BEING DENIED THE POSSIBILITY OF REHABILITATION.

CLERK OF COURT  
SPARTANBURG, SC  
2016 FEB -1 AM 10:37  
HOPE BLACKBURN

IN TEAGUE V. LANE, THE UNITED STATES SUPREME COURT STATED A NEW CONSTITUTIONAL RULE IS SUBJECT TO TWO EXCEPTIONS FIRST, A NEW RULE MAY BE APPLIED RETROACTIVELY IF THE RULE IS SUBSTANTIVE. SECOND, IT MAY BE APPLIED RETROACTIVELY IF IT A WATERSHED RULE OF CRIMINAL PROCEDURE. MR. STROZIER SHOULD BE RESENTENCE PURSUANT TO THIS NEW SUBSTANTIVE RULING WHICH SHOULD APPLY TO HIS SENTENCE RETROACTIVE IN THAT DEFENDANT'S AGE AT TIME OF HIS CRIME WAS SEVENTEEN (17) YEARS OF AGE, THAT SENTENCING COURT SENTENCE DEFENDANT TO A NATURAL LIFE SENTENCE PLUS THIRTY (30) YEARS WITHOUT THE BENEFIT OF AN INDIVIDUALIZED HEARING WHERE THE MITIGATING HALLMARK FEATURES OF HIS YOUTH ARE FULLY EXPLORED. LASTLY, DEFENDANT SHOULD HAVE THE BENEFIT OF THIS NEW RULING BECAUSE THE SOUTH CAROLINA GENERAL ASSEMBLY HAS RESCINDED S.C. CODE OF LAWS § 16.3.910. KIDNAPPING FROM LIFE TO THIRTY (30) YEARS WHICH SHOULD

HAVE APPLIED TO DEFENDANT. PURSUANT TO THE EIGHTH AMENDMENT COURTS SHOULD BE GUIDED BY OBJECTIVE FACTORS THAT OUR CASES HAVE RECOGNIZED. FIRST, WE LOOK TO THE GRAVITY OF THE OFFENSE AND THE HARSHNESS OF THE PENALTY. SECOND, IT MAY BE HELPFUL TO COMPARE THE SENTENCES IMPOSED ON OTHER DEFENDANTS IN THE SAME JURISDICTION. IF MORE SERIOUS CRIMES ARE SUBJECT TO THE SAME PENALTY, OR TO LESS SERIOUS PENALTIES, THAT IS SOME INDICATIONS THAT THE PUNISHMENT AT ISSUE MAY BE EXCESSIVE.

THIRD, COURTS MAY FIND IT USEFUL TO COMPARE THE SENTENCE IMPOSED FOR A COMMISSION OF A CRIME THAT'S OF THE SAME NATURE IN OTHER JURISDICTION. THE FIRST OF THESE PRINCIPLES IS THE FIXING OF PRISON TERMS FOR SPECIFIC CRIMES INVOLVES A SUBSTANTIVE PENOLOGICAL JUDGEMENT THAT, AS A GENERAL MATTER, IS "PROPERLY WITHIN THE PROVINCE OF LEGISLATURES, NOT COURTS." THEREFORE, DEFENDANT SHOULD BE ALLOWED TO RECEIVE RESENTENCING PURSUANT TO THIS NEW RULING, ALSO DEFENDANT'S CHARGES WERE TRIED TOGETHER THESE CHARGES AROSE OUT OF A SINGLE CHAIN OF CIRCUMSTANCES, WERE NOT PROVED BY THE SAME EVIDENCE, ARE OF THE SAME GENERAL NATURE, DEFENDANT RECEIVED A CONSECUTIVE SENTENCE INSTEAD OF AN CONCURRENT SENTENCE. DEFENDANT REQUEST UPON THIS COURT FOR A HEARING UPON HIS MOTION FOR RE-SENTENCING.

#### CONCLUSION

BASED ON THE FOREGOING REASONS AND AUTHORITIES, STROZIER SHOULD BE RESENTENCED.

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT HE HAS SERVED  
THE SPARTANBURG COUNTY CLERK OF COURT GENERAL SESSIONS  
WITH THE DEFENDANT'S MOTION FOR RESENTENCING BY  
MAILING A TRUE COPY VIA UNITED STATES MAIL ON  
\_\_\_\_\_ TO ADDRESS BELOW:

HON. M. HOPE BLACKLEY, CLERK OF COURT  
SPARTANBURG COUNTY  
P. O. BOX 3483  
SPARTANBURG, S.C. 29304-3483

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2016 FEB - 1 AM 10:38  
M. HOPE BLACKLEY

SWORN AND SUBSCRIBED BEFORE ME

THIS 12 DAY OF January 2016

[Signature]  
NOTARY PUBLIC

MY COMMISSION EXPIRES 10/20/2018

31 Patrick Strozier  
PATRICK STROZIER

MR. PATRICK STROZIER #119519  
 BROAD RIVER CORRECTIONAL INST.  
 4666 BROAD RIVER ROAD  
 COLUMBIA, S.C. 29210

FILED  
 CLERK OF COURT  
 SPARTANBURG DIST. CT.

2016 FEB -1 AM 10:07

M. HOPE BLACKLEY

DATE: 1.12.16

M. HOPE BLACKLEY CLERK OF COURT  
 SPARTANBURG COUNTY  
 P. O. BOX 3483  
 SPARTANBURG, S.C. 29304-3483

RE: STATE OF SOUTH CAROLINA V. PATRICK STROZIER  
 CASE NO: 84-42-42-239, WARRANT NO: A-978669

DEAR MS. BLACKLEY;

ENCLOSED PLEASE FIND MY PRO SE MOTIONS FOR RESENTENCING  
 FOR FILING IN THIS OFFICE. ALSO, ENCLOSED IS A COPY AND A  
 SELF-ADDRESSED ENVELOPE. PLEASE SEND ME A CLOCKED-IN  
 COPY FOR MY RECORDS.

Sincerely,  
 31 Patrick Strozier  
 PATRICK STROZIER

ENCLOSURES

CC: SOLICITOR'S OFFICE

## The Supreme Court of South Carolina

Patrick Strozier,

Petitioner,

v.

State of South Carolina,

Respondent.

Spartanburg County

Docket No.: 1984-GS-42-00239

---

### ORDER

---

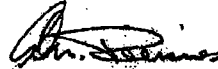
Petitioner filed a motion on February 1, 2016 for resentencing pursuant to Alken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (SC 2014). Now, therefore, pursuant to SC CONST. Art. V, § 4,

IT IS HEREBY ORDERED that the Honorable J. Mark Hayes, Jr. be vested with exclusive jurisdiction over the Petitioner's Motion for Resentencing in the above-captioned matter.

Judge Hayes shall at all times be vested with concurrent jurisdiction in all circuits of the state to dispose of matters relating to this case, and shall decide all matters pertaining to the Petitioner's Motion, and shall retain jurisdiction over this matter regardless of where he may be assigned to hold court, and may schedule such hearings as may be necessary at any time without regard as to whether there is a term of court scheduled.

If necessary, to resolve issues related to the appointment of counsel, a hearing shall be conducted within thirty (30) days of this order.

Within sixty (60) days of the date of this order, Judge Hayes shall issue a scheduling order setting forth the schedule that shall be followed in this matter, including the date of the hearing on the merits. The scheduling order may be amended as necessary.



---

Costa M. Pleicones  
Chief Justice

March 25, 2016  
Columbia, South Carolina

# The Supreme Court of South Carolina

CLERK OF COURT  
SPARTANBURG COUNTY  
2016 APR 19 AM 10:52  
M. HOPE BLACKLEY

In re Patrick Strozier, Petitioner.

Appellate Case No. 2015-000156

---

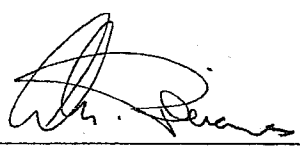
## ORDER

---

In this matter, petitioner filed a motion seeking permission from this Court to file a motion for resentencing in *State v. Strozier*, 1984-GS-42-00239. The motion for resentencing was based on *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). By order dated February 24, 2015, this Court denied petitioner's request for permission to file the motion for resentencing.

On March 25, 2016, I signed an order assigning Judge J. Mark Hayes, III, to consider a motion for resentencing that petitioner has filed in 1984-GS-42-00239. This motion is based on *Aiken v. Byars, supra*, and the motion was filed with the clerk of the circuit court on February 1, 2016.

In light of the February 24, 2015, order of this Court, petitioner cannot make the motion for resentencing. Accordingly, the assignment order of March 26, 2016, is hereby rescinded.



---

COSTA M. PLEICONES  
CHIEF JUSTICE

Columbia, South Carolina  
April 19, 2016

cc: Mr. Patrick Strozier, 00119519  
Solicitor Barry J. Barnette  
The Honorable J. Mark Hayes, II  
Office of Court Administration  
The Honorable M. Hope Blackley

SEARCHED

# The Supreme Court of South Carolina

In re: Patrick Strozier, Petitioner.

Appellate Case No. 2015-000156

---

Patrick Strozier, Petitioner,

v.

State of South Carolina, Respondent.

Spartanburg County  
Docket No.: 1984-GS-42-00239

---

## ORDER

---

By order dated March 25, 2016, the Honorable J. Mark Hayes, III, was assigned to consider petitioner's motion for resentencing in Case. No. 1984-GS-42-00239. The order was subsequently rescinded on April 19, 2016. The March 25, 2016 order, a copy of which is attached, is hereby reinstated and Judge Hayes shall proceed as set forth therein.



C.J.

---

FOR THE COURT

Columbia, South Carolina

November 16, 2016

cc:

The Honorable J. Mark Hayes, II  
The Honorable M. Hope Blackley

Solicitor Barry Joe Barnette  
South Carolina Court Administration  
Patrick Strozier, 00119519



5. The State would argue the Defendant is not eligible for any resentencing and should not be entitled to a resentencing hearing under an Aiken v. Byars claim due to the charges on which the Defendant was convicted and sentenced. The Defendant was convicted and sentenced on a Kidnapping charge and on the charge of Criminal Sexual Conduct First Degree. The Defendant's claim cannot be an Aiken v. Byars claim because he was not convicted or sentenced for Murder.
6. The State would argue the Defendant is not eligible for any resentencing and should not be entitled to a resentencing hearing since the Defendant's claim cannot fall under any case, including Graham v. Florida, 130 S.Ct. 2011 (2010) due to the Defendant's parole eligibility for his Kidnapping charge. Also, any Graham claim or similar claim would be governed by the Statute of Limitations under Rule 29 of the South Carolina Rules of Criminal Procedure (Post-Trial Motions). The Graham case was filed in 2010 and the Defendant's Petition was filed in 2016. The one (1) year Statute of Limitations ran out long before the Defendant filed his Motion for Resentencing in this matter.
7. The State would argue the Defendant is not eligible for any resentencing and should not be entitled to a resentencing hearing since the South Carolina Supreme Court has already ruled and denied the Defendant's Motion for Resentencing under Aiken v. Byars. The State has attached a February 24, 2015 Order issued by the South Carolina Supreme Court in the In re: Patrick Strozier, Petitioner - Appellate Case No.: 2015-000156, marked as State's Exhibit #1. In the Order, the Court ruled:

By order dated January 30, 2015, petitioner was prohibited from filing further collateral actions, including post-conviction relief and habeas corpus actions, in the circuit court challenging his 1984 convictions for kidnapping and first degree criminal sexual conduct without first obtaining permission to do so from this Court. Petitioner now seeks permission to file a motion for resentencing in the circuit court pursuant to this Court's recent decision in Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). The request is denied.


All five justices signed the Order which is marked and attached as State's Exhibit #1. On March 25, 2016, Chief Justice Costa M. Pleicones signed an Order assigning Judge J. Mark Hayes, II, to consider a Motion for Resentencing; this March 25, 2016 Order is marked and attached as State's Exhibit #2. Chief Justice Pleicones signed another Order on April 19, 2016, marked and attached as State's Exhibit #3 that rescinded the assignment order of March 25, 2016. The Court stated in the April 19, 2016 Order that "In light of the February 24, 2015, order of this Court, petitioner cannot make the motion for resentencing." Another Order was issued by Chief Justice Pleicones on November 16, 2016, marked and attached as State's Exhibit #4 which states, "By order dated March 25, 2016, the Honorable J. Mark Hayes, II, was assigned to consider

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
JAN 11 11 34 AM '16

petitioner's motion for resentencing in Case. No.: 1984-GS-42-239. The Order was subsequently rescinded on April 19, 2016. The March 25, 2016 Order, a copy of which is attached, is hereby reinstated and Judge Hayes shall proceed as set for therein."

The State would respectfully submit that the Chief Justice cannot unilaterally overrule the February 24, 2015 Order, which was signed by all five justices (State's Exhibit #1).

The State would respectfully ask the Court to deny the Defendant's Motion for Resentencing in this case.

By:   
Barry J. Barnette  
Solicitor  
Seventh Judicial Circuit

January 10, 2017  
Spartanburg, South Carolina

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2017 JAN 11 PM 3:43  
H. HOPE BLACKLEY

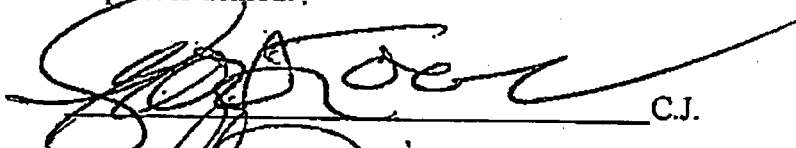
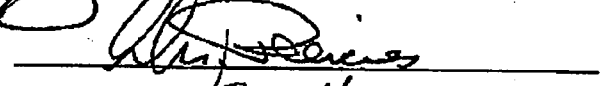
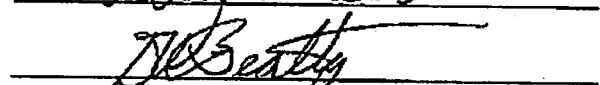
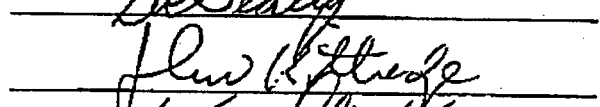
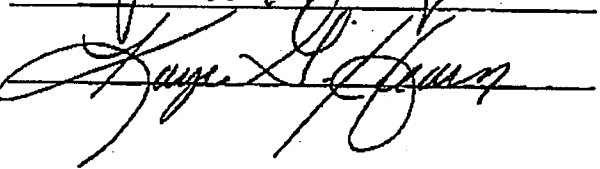
# The Supreme Court of South Carolina

In re: Patrick Strozier, Petitioner.

Appellate Case No. 2015-000156

ORDER

By order dated January 30, 2014, petitioner was prohibited from filing any further collateral actions, including post-conviction relief and habeas corpus actions, in the circuit court challenging his 1984 convictions for kidnapping and first degree criminal sexual conduct without first obtaining permission to do so from this Court. Petitioner now seeks permission to file a motion for resentencing in the circuit court pursuant to this Court's recent decision in *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). The request is denied.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

February 24, 2015

cc:

Patrick Strozier, 00119519

FILED  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 2015 JAN 11 PM 3:43  
 M. HOPE BLACKLEY

The Supreme Court of South Carolina

Patrick Strozier,

Petitioner,

v.

State of South Carolina,

Respondent.

Spartanburg County

Docket No.: 1984-GS-42-00239

ORDER

Petitioner filed a motion on February 1, 2016 for resentencing pursuant to Alken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (SC 2014). Now, therefore, pursuant to SC CONST. Art. V, § 4,

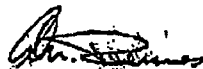
IT IS HEREBY ORDERED that the Honorable J. Mark Hayes, Jr. be vested with exclusive jurisdiction over the Petitioner's Motion for Resentencing in the above-captioned matter.

Judge Hayes shall at all times be vested with concurrent jurisdiction in all circuits of the state to dispose of matters relating to this case, and shall decide all matters pertaining to the Petitioner's Motion, and shall retain jurisdiction over this matter regardless of where he may be assigned to hold court, and may schedule such hearings as may be necessary at any time without regard as to whether there is a term of court scheduled.

If necessary, to resolve issues related to the appointment of counsel, a hearing shall be conducted within thirty (30) days of this order.

M. HOPE BLACKLEY  
2017 JAN 11 PM 3:43  
CLERK OF COURT  
SPARTANBURG COUNTY  
FILED

Within sixty (60) days of the date of this order, Judge Hayes shall issue a scheduling order setting forth the schedule that shall be followed in this matter, including the date of the hearing on the merits. The scheduling order may be amended as necessary.



Costa M. Plecones,  
Chief Justice

March 25, 2016  
Columbia, South Carolina

FILED  
CLERK OF COURT  
TOWNSHIP OF COURTY  
2017 JAN 11 PM 3:43  
H. HOPE BLACKLEY

# The Supreme Court of South Carolina

In re Patrick Strozier, Petitioner.

Appellate Case No. 2015-000156

---

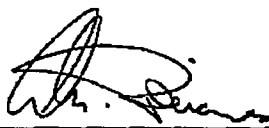
## ORDER

---

In this matter, petitioner filed a motion seeking permission from this Court to file a motion for resentencing in *State v. Strozier*, 1984-GS-42-00239. The motion for resentencing was based on *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). By order dated February 24, 2015, this Court denied petitioner's request for permission to file the motion for resentencing.

On March 25, 2016, I signed an order assigning Judge J. Mark Hayes, III, to consider a motion for resentencing that petitioner has filed in 1984-GS-42-00239. This motion is based on *Aiken v. Byars, supra*, and the motion was filed with the clerk of the circuit court on February 1, 2016.

In light of the February 24, 2015, order of this Court, petitioner cannot make the motion for resentencing. Accordingly, the assignment order of March 26, 2016, is hereby rescinded.



---

COSTA M. PLEICONES  
CHIEF JUSTICE

Columbia, South Carolina  
April 14, 2016

cc: Mr. Patrick Strozier, 00119519  
Solicitor Barry J. Barnette  
The Honorable J. Mark Hayes, II  
Office of Court Administration  
The Honorable M. Hope Blackley

FILED  
CLERK OF COURT  
SPRINGBURG COUNTY  
2017 JAN 11 PM 3:43  
M. HOPE BLACKLEY

STATE'S EXHIBIT #4

# The Supreme Court of South Carolina

In re: Patrick Strozier, Petitioner.

Appellate Case No. 2015-000156

\_\_\_\_\_  
Patrick Strozier, Petitioner,

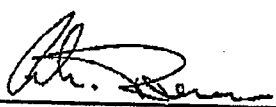
v.

State of South Carolina, Respondent.

Spartanburg County  
Docket No.: 1984-GS-42-00239

\_\_\_\_\_  
ORDER  
\_\_\_\_\_

By order dated March 25, 2016, the Honorable J. Mark Hayes, III, was assigned to consider petitioner's motion for resentencing in Case. No. 1984-GS-42-00239. The order was subsequently rescinded on April 19, 2016. The March 25, 2016 order, a copy of which is attached, is hereby reinstated and Judge Hayes shall proceed as set forth therein.



\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina

November 16, 2016

cc:  
The Honorable J. Mark Hayes, II  
The Honorable M. Hope Blackley

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2017 JAN 11 PM 3:43  
M. HOPE BLACKLEY

Solicitor Barry Joe Barnette  
South Carolina Court Administration  
Patrick Strozier, 00119519

FILED  
CLERK OF COURT  
STAFFORDSBURG COUNTY  
2017 JAN 11 PM 3:43  
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
  
 The State, )  
 )  
 v. )  
 )  
 Patrick Strozier, )  
 )  
 Defendant. )

IN THE COURT OF GENERAL SESSIONS  
 FOR THE SEVENTH JUDICIAL CIRCUIT

**ORDER GRANTING STATE'S MOTION  
 TO DIMISS DEFENDANT'S REQUEST  
 FOR RESENTENCING**  
 Indictment No.: 1984-GS-42-239

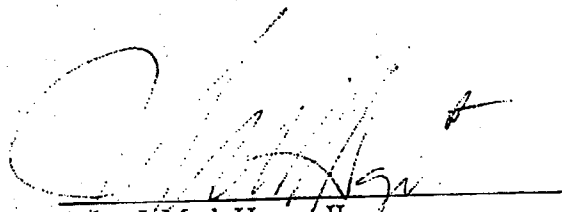
The Court heard the Motion by the State to dismiss the Defendant's Motion for Resentencing under Aiken v. Byers on April 20, 2017. The State was represented by Solicitor Barry Barnette. The Defendant was represented by Circuit Public Defender Clay Allen. Pam Green was the Court Reporter. The State filed a Return to Defendant's Motion for Resentencing on January 11, 2017 requesting the Defendant's request for Resentencing be dismissed on several grounds. At the hearing, the State entered Defendant's Certificate of Live Birth (Birth Certificate) from the Georgia Department of Public Health as State's Exhibit #1. The State argued that the Defendant's Certificate of Live Birth listed November 11, 1964 as his date of birth. The incident date of the convicted crimes of Kidnapping and Criminal Sexual Conduct in the First (1<sup>st</sup>) Degree was November 8, 1983. The Defendant was actually eighteen (18) years old at the time of that the crimes were committed by him (18 years 11 months 28 days). The State presented the argument listed in item #3 of its Return showing that the Defendant did not qualify for resentencing under Aiken v. Byers, 410 S.C. 534, 765 S.E.2d 572 (2014) or Miller v. Alabama, 132 S.Ct. 2455 (2012) because he was not a juvenile under the age of eighteen (18) years old at the time of the offense. The Defendant did not present any evidence or testimony to contest this information at the hearing on this issue.

1 

2017 APR 25 PM 2:04  
 HOPE BLANCHLEY

Based on the State's argument, the Court granted the State's Motion to Dismiss the Defendant's request for Resentencing because the Defendant was not a juvenile under the age of eighteen (18) years old at the time of the incident. The State did not state the other grounds listed on its Return to Defendant's Motion for Sentencing and the Court did not consider them based on the age of the Defendant at the time of the crime.

IT IS SO ORDERED!



Judge J. Mark Hayes, II  
Chief Administrative Judge  
Seventh Judicial Circuit

April 25, 2017  
Spartanburg, South Carolina

2017 APR 25 PM 2:04  
M. HOPE BLANCHETT

184-28-42-239  
The State of South Carolina

County of \_\_\_\_\_

COURT OF GENERAL SESSIONS

JAN 18 1984

19

F0000387217

THE STATE

VS  
James Oscar Crockett, Jr.

vs  
Maner Lamar Green

vs  
Patrick Geard Strozier

INDICTMENT FOR

Kidnapping

and

Criminal Sexual Conduct, 1st Deg.

Claude A. Taylor, Jr.

Foreman of Grand Jury

MOGAW PRINTERS

COLUMBIA, S. C.

Shana R. M.

JAMES CROCKETT  
vs  
PATRICK G. STROZIER, LEMAR GREEN

hereby appear in my own proper person and plead

guilty to KIDNAPPING AND CR. SEX. COND. 1<sup>ST</sup> DEG.

On the within indictment.

Witness:

K. R. Huckaby  
Clerk of Court

Ruby E. Knight D. Clerk

The sentence of the Court is that you

LEMAR GREEN

be confined in the S. C. Department of  
Corrections for a period of

Count # 1  
for a term of years  
et # 2 30 years

Presiding Judge

Feb 7, 1984

(Date)

The sentence of the Court is that you

JAMES CROCKETT Jr

be confined in the S. C. Department of

Corrections for a period of

Count # 1  
for a term of years  
life et # 2 30

Presiding Judge

The sentence of the Court is that you

PATRICK G STROZ

S. C. Department of

a period of

Count #  
for a term of years  
mutual life  
et # 2 30y

Presiding Judge

Feb 17, 1984

(Date)

F5000023500315



Cou  
of 2 ||

COUNT ONE - Kidnapping

That James Oscar Crockett, Maner Lamar Green, Patrick Geard Strozier

did in Spartanburg County on or about the 8th day of November,  
1983,

did willfully, unlawfully, with criminal intent, seize, confine, kidnap, abduct or carry away Sonja Rae Hayes without authority of law in violation of Section 16-3-910 of the 1976 Code of Laws of S. C.

COUNT TWO - Criminal Sexual Conduct, 1st Deg.

That James Oscar Crockett, Maner Lamar Green & Patrick Geard Strozier

did in Spartanburg County or about the 8th day of November,  
1983,

did willfully and unlawfully commit first degree criminal sexual conduct against Sonja Rae Hayes in that they did have intercourse with her, the battery having been accomplished by the use of aggravated force during which time she was a victim of kidnapping in violation of Section 16-3-651 and more specifically Section 16-3-652 1 (b) of the 1979 Cumulative Supplement, Code of Laws of S. C., 1976.

Against the peace and dignity of the State, and contrary to the statute in such cases made and

provided

KENNETH R. HUCKABY

1984 JAN - 9 P 2:40

FILED  
CLERK OF COURT

Stephen S. Wilson  
Asst. Solicitor

## CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

*Susan B. Hackett*

Susan B. Hackett  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 17th day of January, 2018.

**RECEIVED**

JAN 17 2018

SC Court of Appeals