




(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.” *Aiken*, at 544, S.E.2d at 577 (citing *Miller*, at 477).

This Court held a hearing on December 8, 2021, during which it heard testimony relating to these factors. The Court has carefully considered this testimony in coming to its decision. The family and home environment of the Petitioner was not structured, as his father was not present in the home and his mother was often at work leaving Petitioner mostly unsupervised. The Court heard testimony that, in structured environments, Petitioner has, for the most part, done well. The Court also considered arguments from the State that Petitioner has continually failed to take responsibility for the shooting death which occurred in 2004. Petitioner testified at the hearing that he never intended to rob the victim, that he hadn’t brought the gun, and that he was “merely present” at the crime scene. This testimony is not consistent with the evidence presented at Petitioner’s original trial. Therefore, it appears to the Court that Petitioner has not fully taken responsibility for his role in the murder.

After careful consideration of the testimony presented at the hearing, the Petitioner’s age at the time of the offense, and the *Aiken* factors, the Court resentences Petitioner to 50 years on Indictment 2005-GS-42-0888 for murder, to run concurrent to his other sentences. Petitioner will receive credit for any time he has already served.

IT IS SO ORDERED.

2021 DEC 14 PM 1:33  
CLERK OF SUPERIOR COURT  
Aiken, SC

  
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Letitia H. Verdin  
Thirteenth Circuit Court Judge

December 30 2021

Greenville, South Carolina

**FILED**  
2022 JAN 14 PM 1:28  
CLERK OF COURT  
AMY V. COLE  
AMY.V.COLE@SCJUDS.COM