

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

The State, Respondent,

v.

Ronald Hakeem Mack, Petitioner.

Appellate Case No. 2020-001101

Appeal from Williamsburg County
Michael G. Nettles, Circuit Court Judge

Memorandum Opinion No. 2022-MO-003
Heard January 12, 2022 – Filed February 23, 2022

REVERSED

Susan Barber Hackett, of Columbia, for Petitioner.

Attorney General Alan McCrory Wilson, Senior Assistant
Deputy Attorney General Melody Jane Brown, Deputy
Attorney General Donald J. Zelenka, and William Joseph
Maye, of Columbia; Solicitor Ernest Adolphus Finney III,
of Sumter, all for Respondent.

PER CURIAM: We granted Ronald Mack's petition for a writ of certiorari to review the court of appeals' decision in *State v. Mack*, Op. No. 2020-UP-148 (S.C.

Ct. App. filed May 20, 2020). In 2010, Mack pled guilty to murder and burglary in the first degree, and the circuit court sentenced him to fifty years in prison for the murder charge and thirty years in prison for the burglary charge. Mack was seventeen years old at the time of the crimes. Pursuant to *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014), Mack moved for resentencing.¹ The circuit court found Mack's sentence was the "functional equivalent" to a sentence of life without parole and, under *Aiken*, Mack was entitled to resentencing. The State immediately appealed prior to Mack's resentencing hearing. Mack moved to dismiss the appeal, arguing the order is not immediately appealable. The court of appeals found the order immediately appealable. *Mack*, Op. No. 2020-UP-148 n.1. The court of appeals reversed the order requiring resentencing.

Mack argues the order is not final until after resentencing and is not a permissible interlocutory appeal under section 14-3-330 of the South Carolina Code (2017). We agree the order is not final. Further, although section 14-3-330 provides avenues for interlocutory appeal, it is difficult to find—under these circumstances—that any subsection of section 14-3-330 permits appeal of the order at this time. While we appreciate the court of appeals' consideration of this difficult issue, we find the order is not immediately appealable.

REVERSED.

BEATTY, C.J., HEARN, FEW, JAMES, JJ., and Acting Justice Aphrodite K. Konduros, concur.

¹ The Court in *Aiken* held the Supreme Court's decision in *Miller v. Alabama*, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012), applied to South Carolina's discretionary sentencing scheme, and minors sentenced to life without parole are entitled to resentencing to consider circumstances related to youth. *Aiken*, 410 S.C. at 545, 765 S.E.2d at 578.