

cruel and unusual punishment⁷ because the facts and circumstances in this case “simply [are] not the kind that warrant[] imposition of a life sentence without eligibility for parole.”

In State v. Jones,⁸ our supreme court determined the life without parole sentence under the Two-Strikes law of a defendant who was convicted of three counts of armed robbery and possession of a firearm was not grossly out of proportion to the severity of the crime for which he was convicted.⁹ The Jones court considered the following three factors mentioned in Solem v. Helm¹⁰ in reaching its conclusion: (1) the gravity of the offense compared to the harshness of the penalty, (2) the sentences imposed on other criminals in the same jurisdiction, and (3) the sentences for the same crime in other jurisdictions.¹¹

Here, few would argue that first-degree burglary, armed robbery, and kidnapping are anything other than grave offenses of the “most serious” nature. Indeed, the Two-Strikes law declares them to be such.¹² When considered along with Johnson’s prior offenses, two of which were for attempted armed robbery and one of which was for assault and battery with intent to kill, the penalty of life without parole for each of the offenses for which Johnson was convicted is

⁷ Johnson recognizes this Court upheld the constitutionality of the statute against an attack mounted on cruel and unusual punishment grounds in State v. Brannon, 341 S.C. 271, 533 S.E.2d 345 (Ct. App. 2000).

⁸ 344 S.C. 48, 543 S.E.2d 541 (2001).

⁹ Id. at 57, 543 S.E.2d at 545.

¹⁰ 463 U.S. 277 (1983).

¹¹ Jones, 344 S.C. at 56, 543 S.E.2d at 545.

¹² See supra note 1.

