

IN THE SUPREME COURT OF NORTH CAROLINA

No.82A14-2

Filed 28 February 2020

STATE OF NORTH CAROLINA

v.

SETHY TONY SEAM

Appeal pursuant to N.C.G.S. § 7A-31 from a unanimous decision of the Court of Appeals affirming the judgment entered on 11 October 2017 by Judge Jeffrey K. Carpenter in Superior Court, Davidson County. Heard in the Supreme Court on 7 January 2020.

*Joshua H. Stein, Attorney General, by Kimberly N. Callahan, Assistant Attorney General, for the State.*

*Glenn Gerding, Appellate Defender, by Kathryn L. VandenBerg, Assistant Appellate Defender, for defendant.*

PER CURIAM.

We affirm the decision of the Court of Appeals which leaves intact the sentence entered by the trial court. Defendant's arguments regarding his constitutional rights under the Eighth Amendment in which he asserts that he has no meaningful opportunity for parole are not ripe for a determination by this Court, because the time at which he is eligible to apply for parole has not yet arrived. We recognize that the potential for parole constitutionally cannot be illusory for offenders sentenced to life

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with the possibility of parole. Defendant is not precluded from raising his claims at a later date, in the event that said claims become ripe for resolution.

AFFIRMED.

Justices ERVIN and DAVIS did not participate in the consideration or resolution of this decision.