

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County
Edgar W. Dickson, Circuit Court Judge

RECEIVED
AUG 06 2013
SC Court of Appeals

SEAN PHILLIP SMITH,

APPELLANT,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212664

PETITION FOR ORDER
TO RECONSTRUCT THE RECORD OF
APPELLANT'S HEARING ON HIS
MOTION TO RECONSIDER

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests an order requiring the parties to reconstruct the record of Appellant's hearing concerning his motion to reconsider his sentence held on July 23, 2012 before the Honorable Edgar W. Dickson.

In accordance with Rule 240(c)(3), SCACR, Appellant submits the following documents to support this Petition: indictments (Exhibit #1); sentence sheets (Exhibit #2); first page of guilty plea transcript (Exhibit #3); motion to reconsider sentence

(Exhibit #4); order denying motion to reconsider sentence (Exhibit #5); letter from the Court of Appeals dated March 8, 2013 (Exhibit #6); letter from Kulmala dated March 14, 2012 (Exhibit #7); and letter from Harry A. Walker dated March 4, 2013 (Exhibit #8).

The procedural history of Appellant's case is as follows. On June 22, 2011, an Orangeburg County grand jury indicted Appellant for armed robbery (2011-GS-38-0869) and two counts of assault and battery in the first degree (2011-GS-38-0872 & -0873). A Charleston County grand jury indicted Appellant for armed robbery on September 12, 2011 (2011-GS-10-5388). Exhibit #1. On September 19, 2011, Appellant appeared before Judge Dickson to enter a guilty plea to the charges, including the Charleston County charge, in Orangeburg County. Tommy Scott represented the state, and Pete Kulmala represented Appellant. Exhibit #3. At the conclusion of the guilty plea hearing, Judge Dickson sentenced Appellant to twenty-five years' imprisonment for armed robbery and ten years' imprisonment for each count of assault and battery in the first degree. He ordered the sentences to run concurrently. Exhibit #2. On September 28, 2011, Appellant filed a motion to reconsider sentence. Exhibit #4. Judge Dickson presided over a hearing on July 23, 2012 concerning the motion. By order dated August 2, 2012, Judge Dickson denied Appellant's motion. Exhibit #5.

Appellant filed a timely notice of appeal. On March 8, 2013, this Court wrote to Appellant's attorney asking him to provide a written explanation showing that an issue which could be reviewed on appeal existed pursuant to Rule 203(d)(1)(B)(iv), SCACR. Exhibit #6. By letter dated March 14, 2013, Mr. Kulmala responded that the "substantive response to the written explanation requirement of Rule 203(d)(1)(B)(iv) would be contained in the Motion to Reconsider Sentence under Rule 29, which was filed on

September 28, 2011, heard by Judge Dickson on July 23, 2012, and decided in written order filed August 2, 2012.” Exhibit #6. Thereafter, this Court appointed the Office of Appellate Defense to represent Appellant.

Undersigned counsel requested the transcripts from the court reporter. Counsel received the transcript of the guilty plea proceeding, but did not receive the transcript of the hearing concerning Appellant’s motion to reconsider sentence. On March 4, 2013, the court reporter wrote to the Office of Appellate Defense advising that although she had a note indicating a hearing was held on July 23, 2012, she was unable to locate her record of the hearing. Exhibit #7.

Therefore, undersigned counsel has been unable to obtain the transcript of the hearing concerning Appellant’s motion to reconsider sentence held on July 23, 2012 before Judge Dickson. Counsel has consulted repeatedly with Appellant concerning the unavailability of the transcript, the options available to Appellant, and the consequences of each of those options. Based upon these consultations, undersigned counsel is filing this petition to reconstruct the hearing concerning his motion to reconsider his sentence.

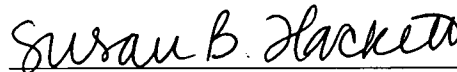
The transcript of the hearing concerning Appellant’s motion to reconsider his sentence is necessary in order to allow review of his guilty plea and sentence as it contains the evidence presented to support Petitioner’s claims that he is entitled to relief on appeal. According to plea counsel, the basis for the appeal is the motion to reconsider sentence and the evidence provided during the hearing on the motion. As a result, counsel requests reconstruction of the hearing. The order indicates that Appellant, his attorney, and the state’s attorney were present for the hearing. Undersigned counsel has received information that Appellant and his uncle, George Smith, addressed the court

personally on behalf of reconsideration of the sentence. Additionally, undersigned counsel has received information that three of the alleged victims appeared and addressed the court concerning sentencing.

When a trial transcript has been lost or destroyed, the Court may remand to have the record reconstructed. See Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002); China v. Parrott, 251 S.C. 329, 162 S.E.2d 276 (1968); see also Deaton v. Leath, 279 S.C. 82, 302 S.E.2d 335 (1983) (granting the appellant's motion to set aside convictions and remand for a new trial where the court reporter's equipment malfunctioned and there was no transcript of the trial court proceedings in the case from which to base an appeal).

WHEREFORE, the undersigned counsel requests an order for the reconstruction of the record of Appellant's motion to reconsider sentence in order to perfect Appellant's direct appeal in the case. In addition, undersigned counsel requests the time periods for filing Appellant's initial brief and designation of matter be held in abeyance pending this Court's decision on this petition.

Respectfully submitted,



Susan B. Hackett
Appellate Defender

August 6, 2013

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Edgar W. Dickson, Circuit Court Judge

SEAN PHILLIP SMITH,

APPELLANT,

V.

STATE OF SOUTH CAROLINA,

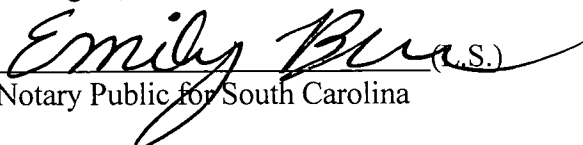
RESPONDENT

Affidavit of Susan B. Hackett

I am the attorney assigned to represent Sean Phillip Smith. My office contacted the court reporter to request the transcript from the July 23, 2012 hearing. The court reporter stated that although she had a note indicating a hearing was held on July 23, 2012, she was unable to locate her record of the hearing.


Susan B. Hackett

SWORN TO BEFORE ME this 6th day
of August, 2013.


Notary Public for South Carolina

My Commission Expires: November 16, 2022.

EXHIBIT #1

DOCKET NO. 2011GS38-0869

The State of South Carolina
County of ORANGEBURG

After being fully advised as to my legal rights, I hereby waive presentation to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WINNIFA B. CLARK
CLERK OF COURT
ORANGEBURG, SC

2011 JUN 22 10 A M: 17

COURT OF GENERAL SESSIONS

June 20, 2011 TERM

THE STATE
vs.

Sean Philip Smith

Indictment for
ARMED ROBBERY

ATTEST: TRUE COPY
Winnif B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-11-330(A)

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805154

Arrested: March 29, 2011

ACTION OF PETIT JURY
JUN 22 2011
Quane Blood

Date: *6-22-11*

Foreperson of Grand Jury

Date: June 22, 2011

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2011GS38-0869

At a Court of General Sessions, convened on June 20, 2011 the Grand Jurors of Orangeburg County present upon their oath:

ARMED ROBBERY

That on or about March 28, 2011, in Orangeburg County, the defendant, Sean Philip Smith did by use of force, threats or intimidation and while armed with a deadly weapon or while alleging either by words or action that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, take and carry away goods and/or monies from the person or presence of the victim(s), Lindsey Garrick and/or Joni Sane and/or Brittany Livingston and/or Giant Discount Pharmacy, with the intent to permanently deprive the victim of possession of the goods or monies, such weapon or alleged weapon described as a handgun. This offense in violation of Section 16-11-330 of the South Carolina Code of Laws, as amended.

ALLEGED: KRISTEN OBY
CLERK OF COURT
ORANGEBURG COUNTY, SC
M. J. [Signature]

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Thomas B. Scott, III
Thomas B. Scott, III, Solicitor

DOCKET NO. 2011GS38-0872

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

June 20, 2011 TERM

THE STATE
vs.

Sean Philip Smith

Indictment for

ASSAULT AND BATTERY 1ST DEGREE

ATTEST: TRUE COPY

Winnie B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-3-600(C)(1)

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805157

Arrested: March 29, 2011

ACTION OF GRAND JURY
TRUE BILL

JUN 22 2011

Dwayne Bloom

Foreperson of Grand Jury

Date: June 22, 2011

VERDICT

Foreperson of Petit Jury

Date:

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WINNIE B. CLARK
CLERK OF COURT
ORANGEBURG, SC

2011 JUN 22 A 11:17

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2011GS38-0872

At a Court of General Sessions, convened on June 20, 2011 the Grand Jurors of Orangeburg County present upon their oath:

ASSAULT AND BATTERY 1ST DEGREE

That in Orangeburg County, South Carolina, on or about March 28, 2011, the Defendant, Sean Philip Smith, did unlawfully offer or attempt to injure another person, to wit: Jason Creech, with the present ability to do so and the act was accomplished by means likely to produce death or great bodily injury and/or occurred during the commission of a robbery, this offense being a violation of Section 16-3-600 (C)(1) of the South Carolina Code of Laws, 1976, as amended.

ORANGEBURG COUNTY
CLERK OF COURT
M. Smith
ALLEGED: IRNE COBY

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Thomas B. Scott, III

Thomas B. Scott, III, Solicitor

DOCKET NO. 2011GS38-0873

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

June 20, 2011 TERM

THE STATE
vs.

Sean Phillip Smith

Indictment for

ASSAULT AND BATTERY 1ST DEGREE

ATTEST: TRUE COPY

Winnifred B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

SC Code: 16-3-600(C)(1)

FILED FOR RECORD
WINNIFRED B. CLARK
CLERK OF COURT
ORANGEBURG, SC

2011 JUN 22 11:17

After being fully advised as to my legal rights, I hereby waive presentation to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

ARREST WARRANT NUMBER
M805158

Arrested: March 29, 2011

ACTION OF GRAND JURY
TRUE BILL

JUN 22 2011

Dwain D. Boone

Foreperson of Grand Jury

Date: June 22, 2011

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2011GS38-0873

At a Court of General Sessions, convened on June 20, 2011 the Grand Jurors of Orangeburg County present upon their oath:

ASSAULT AND BATTERY 1ST DEGREE

That in Orangeburg County, South Carolina, on or about March 28, 2011, the Defendant, Sean Philip Smith, did unlawfully offer or attempt to injure another person, to wit: Marty Wilson, with the present ability to do so and the act was accomplished by means likely to produce death or great bodily injury and/or occurred during the commission of a robbery, this offense being in violation of Section 16-3-600 (C)(1) of the South Carolina Code of Laws, 1976, as amended

ORANGEBURG COUNTY SC
CLERK OF COURT
D. Smith
R. Clark

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Thomas B. Scott, III

Thomas B Scott, III, Solicitor

SAV20110402343

WITNESSES

Lauren Glover
Charleston City Police Department

AGENCY CASE NUMBER

1102081

ARREST WARRANT NUMBER

M640102

DATE OF ARREST

April 16, 2011

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

SEP 12 2011

Date:

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO: 2011GS1005388

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS

September Term 2011

FILED

9/28/2011 9:34:56 AM

JULIE J. ARMSTRONG
CLERK OF COURT

THE STATE

vs.

SEAN PHILIP SMITH
DOB: 1982-10-04
W/M

Indictment for

Armed Robbery

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on September 12, 2011 the Grand Jurors of Charleston County present upon their oath:

Armed Robbery

That on or about February 9, 2011, in Charleston County, South Carolina, at 531 Wappoo Road by use of force, threats or intimidation and while armed with a deadly weapon, to wit: a handgun, the Defendant, SEAN PHILIP SMITH, did take and carry away goods and/or monies from the person or immediate presence of Kerri Edmonds with the intent to permanently deprive her of possession thereof, in violation of Section 16-11-330(A) of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

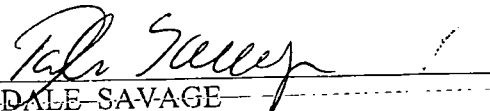

~~DALE SAVAGE~~
ASSISTANT SOLICITOR

EXHIBIT #2

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg
STATE VS Sean Philip Smith
AKA:
Race: W Sex: M Age: 28
DOB: 10-04-1982 SS#:
Address:
DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS38-0869
AW#: M805154
Date of Offense: 3/28/2011
S.C. Code § 16-11-330(A)
CDR Code #: 0139

SENTENCE SHEET

CDL: Yes [] No [] CMV: Yes [] No [] Hazmat: Yes [] No []

In disposition of the said indictment comes now the Defendant who was:

[] CONVICTED OF or [X] PLEADS

TO: Armed Robbery

in violation of § 16-11-330(A) of the S.C. Code of Laws, bearing CDR Code # 0139

[] NON-VIOLENT [X] VIOLENT [] SERIOUS [X] MOST SERIOUS [] Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: [X] As Indicted, [] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is: [] Without Negotiations or Recommendation, [] Negotiated Sentence, [X] Recommendation by the State.

ATTEST:

Scott, III, Thomas B SC Bar# Sean Philip Smith Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

[X] CONCURRENT or [] CONSECUTIVE to sentence on: 9/19/11
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Dept. of Corrections
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered PTUP

Total: \$ plus 20% fee. \$

Payment Terms:

[] set by SCDPPPS

Recipient: ORANGEBURG COUNTY, SC

Table with 2 columns: Description and Amount. Includes items like 14-1-206 (Assessments 107.5 %), 14-1-211(A)(1) (Conv. Surcharge) \$100, 14-1-211(A)(2) (DUI Surcharge) \$100, 56-5-2995 (DUI Assessment) \$12, 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, 73.3, 1B TP (Law Enforce. Funding) \$25, 33.7, 1B TP (Drug Court Surcharge) \$150, 50-21-114 (BUI Breath Test Fee) \$50, 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$3.00, TOTAL \$133.00

Winnifred B. Clark CLERK OF COURT ORANGEBURG COUNTY, SC

Court Reporter: Karyn Dot Walker

days/hours Public Service Employment

Obtain GED []

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling []

Random Drug/Alcohol Testing []

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ Beginning

\$ paid to Public Defender Fund

Other:

[] Conditional Discharge § 44-53-450(C) requires \$350 be paid to the Clerk prior to disposition.

[] Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2157

Sentence Date: September 19, 2011

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Orangeburg
STATE VS. Sean Philip Smith

INDICTMENT/CASE#: 2011GS38-0872
A/W#: M805157
Date of Offense: 3/28/2011
S.C. Code § 16-3-600(C)(1)
CDR Code #: 3412

AKA:
Race: W Sex: M Age: 28
DOB: 10-04-1982 SS#:

Address:

DL#: SID#:

CDL: Yes No CMV: Yes No Hazmat: Yes No

In disposition of the said indictment comes now the Defendant who was:

TO: Assault and Battery 1st Degree

CONVICTED OF or PLEADS

SENTENCE SHEET

In violation of § 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
Scott, III, Thomas B SC Bar# 15881
Sean Philip Smith
Attorney for Defendant SC Bar# 3577

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 9/19/11
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Dept. of Corrections
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms: Winnifia B. Clark

set by SCDPPPS

Recipient: ORANGEBURG COUNTY, SC

Table with 3 columns: Code, Description, Amount. Includes items like 14-1-206 (Assessments 107.5%), 14-1-211(A)(1) (Conv. Surcharge) \$100, 14-1-211(A)(2) (DUI Surcharge) \$100, 56-5-2995 (DUI Assessment) \$12, 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, 73.3, 1B TP (Law Enforce. Funding) \$25, 33.7, 1B TP (Drug Court Surcharge) \$150, 50-21-114 (BUI Breath Test Fee) \$50, 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$3.90, TOTAL \$133.90

Clerk of Court/ Deputy Clerk

Court Reporter: Mary Dote Walker

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ Beginning

\$ paid to Public Defender Fund

Other:

Conditional Discharge § 44-53-450(C) requires \$350 be paid to the Clerk prior to disposition.

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2153

Sentence Date: September 19, 2011

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg
STATE VS Sean Philip Smith

AKA:
Race: W Sex: M Age: 28

DOB: 10-04-1982 SS#:

Address:

DL#: SID#:

CDL: Yes No CMV: Yes No Hazmat: Yes No

In disposition of the said indictment comes now the Defendant who was:

TO: Assault and Battery 1st Degreee

in violation of 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Scott, III, Thomas B SC Bar# 15881 Sean Philip Smith Attorney for Defendant SC Bar# 3577

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 9/19/11
The Defendant is to be given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Dept. of Corrections
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ ATTEST: TRUE COPY

Payment Terms:

set by SCDPPPS Winnifia B. Clark

Recipient: CLERK OF COURT

*Fine: ORANGEBURG COUNTY, SC

Table with 3 columns: Code, Description, Amount. Includes items like 14-1-206 (Assessments 107.5%), 14-1-211(A)(1) (Conv. Surcharge) \$100, 14-1-211(A)(2) (DUI Surcharge) \$100, 56-5-2995 (DUI Assessment) \$12, 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, 73.3, 1B TP (Law Enforce. Funding) \$25, 33.7, 1B TP (Drug Court Surcharge) \$150, 50-21-114 (BUI Breath Test Fee) \$50, 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 44-53-450(C) (Conditional Discharge) \$350, 3% to County (if paid in installments) \$3.40, TOTAL \$133.40

Clerk of Court/ Deputy Clerk: Harry Dot Walker
Court Reporter: Harry Dot Walker

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS38-0873
A/W#: M805158
Date of Offense: 3/28/2011
S.C. Code 16-3-600(C)(1)
CDR Code #: 3412

SENTENCE SHEET

CONVICTED OF or PLEADS

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ Beginning \$ paid to Public Defender Fund

Other:

Conditional Discharge 44-53-450(C) requires \$350 be paid to the Clerk prior to disposition.

Appointed PD or appointed other counsel, 47.12 requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2153

Sentence Date: September 19, 2011

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Charleston
STATE VS.

Sean Philip Smith

AKA:

Race: WHITE Sex: M Age: 28

DOB: 10-04-1982 SS#: 2

Address:

City, State, Zip:

DL#: SID#: SC01537493

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Armed Robbery

INDICTMENT/CASE#: 2011GS1005388

A/W#: M640102

Date of Offense: 2/9/2011

S.C. Code §: 16-11-0330(A)

CDR Code #: 0139

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Thomas B. Scott, III 15881 Sean Smith Attorney for Defendant 3577
Savage, Dale FOR D.S. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,

for a determinate term of 25 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 9/19/11
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-16-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

PTUP days/hours Public Service Employment

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
prmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCJA Surcharge) \$5, 3% to County (if paid in installments) \$3.00, TOTAL \$133.00

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk
Court Reporter: Harry Dotts Walker
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2153
Sentence Date: September 19, 2011

EXHIBIT #3

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

CASE NO. 2011-GS-10-5388
2011-GS-38-869
2011-GS-38-872
2011-GS-38-873

STATE OF SOUTH CAROLINA)

versus)

SEAN PHILLIPS SMITH,)

DEFENDANT)

TRANSCRIPT OF RECORD

DATE:

SEPTEMBER 19, 2011

BEFORE:

HONORABLE EDGAR DICKSON, PRESIDING JUDGE

APPEARANCES:

TOMMY SCOTT, ESQUIRE

ASSISTANT SOLICITOR

FOR THE STATE

PETE KULMALA, ESQUIRE

ATTORNEY AT LAW

FOR THE DEFENDANT

HARRY A. WALKER (MRS.)
COURT REPORTER, FIRST JUDICIAL CIRCUIT
POST OFFICE BOX 127
ROWESVILLE, SOUTH CAROLINA 29133

EXHIBIT #4

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
STATE OF SOUTH CAROLINA,)
)
 Vs.)
)
SEAN PHILIP SMITH,)
Defendant.)

GENERAL SESSIONS
Case Numbers M805154, M805157, M805158

MOTION TO RECONSIDER SENTENCE

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
STATE OF SOUTH CAROLINA,)
)
 Vs.)
)
SEAN PHILIP SMITH,)
Defendant.)

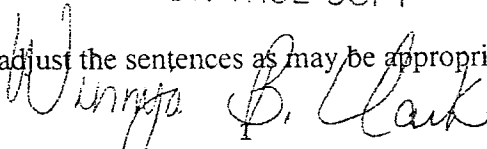
Case number M640102

MOTION TO RECONSIDER SENTENCE

TO: STATE OF SOUTH CAROLINA AND ITS ATTORNEYS, SOLICITOR, DAVID PASCOE AND SOLICITOR SCARLET A. WILSON:

You will please take notice that Defendant, Sean Philip Smith, by and through undersigned counsel, will and hereby does move before the Honorable Edgar Dickson, Circuit Court Judge for the First Judicial Circuit, at the Orangeburg County Courthouse, 151 Docket Street, Orangeburg, South Carolina, for an Order Reconsidering the Court's sentencing in the above-captioned cases, rendered following guilty pleas of September 19, 2011.

This Motion is based upon the applicable statutory and case law of South Carolina, and is made pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure. Through this Motion, Defendant asks that the Court review and reconsider the sentences imposed, in light of the following factors, and to adjust the sentences as may be appropriate.


CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

1. Defendant voluntarily pled guilty.
2. Defendant has no prior record other than DUS for traffic-related offenses.
3. The underlying offenses occurred in a close and brief time period, rather than over a lengthy life of crime.

On September 19, 2011, Defendant came before the Court prepared to plead guilty and accept the consequences of the two armed robbery charges (M 805154 in Orangeburg County and M640102 in Charleston County) involving the prescription medications Oxycontin and Hydrocodone, along with 2 related counts for Assault & Battery in Orangeburg County. The seriousness of the armed robbery charges is underscored by that offense being included within the definition of “most serious” for enhancement of penalty to life without parole in the state’s “two strikes” statute. The effect of such an offense was vividly demonstrated on September 19, 2011 by the testimony of three persons confronted by the Defendant in the Neeses case. This motion is not an attempt to diminish the admitted gravity of the offense of armed robbery, nor to denigrate the anguish that those three individuals must have endured. Rather, through this motion, Defendant asks the Court to also consider, as a means of allowing a reduction in the sentence, that the state’s penal objective and society’s need for punishment and retribution can be met by allowing this Defendant to serve concurrently an amount of time less than the 25 years announced in Court.


At the time of the pleas on Monday, Defendant was supported by the presence of five family members, including George Smith, his uncle, who has supplied an affidavit, (attached) which provides abbreviated insight into the personality of the Defendant. Through his affidavit, as well as the other circumstances to be gleaned from the information presented in the plea

hearing, it is apparent that Sean Smith is not engaged in a criminal lifestyle, but unfortunately became involved in crime through a developing dependency on the very ugly and very addictive drugs mentioned above. Certainly the armed robberies are not made less serious because they were committed by one who is developing an addiction, because it is apparent that large numbers of crimes derive from some form of addiction. However, in this case, Sean Smith has appreciated the grievousness of his offenses and elected to plead guilty, do his time and upon release, begin his life again. A part of making such an election is an anticipation that a guilty plea can result in a shorter sentence than one might receive following a contested trial. The possibility can certainly induce an individual to enter a plea.

During the plea, the Solicitor informed the Court that Sean Smith had only a 2003 DUS. Not excusing the DUS, that record is further indication of Sean Smith's law-abiding life for 28 years before the events of Spring 2011. While the absence of a prior record cannot erase the fact of Defendant's commission of the armed robberies, it does tend to support Sean's previous character and that his recent criminal activities are the product of dependency or addiction to the kinds of prescription drugs which are coming to be recognized as problematic and dangerous. Also, Sean's lack of prior record, followed by the drug-seeking crimes of early 2011, further supports that his was a short-lived and involuntary descent into hard crime to deal with drug usage.

Defendant respectfully asks the Court to reconsider the sentences announced on September 19, 2011, with a particular focus upon the reasons set forth herein, and adjust the sentences accordingly.

September 20, 2011
Barnwell, SC


PETE KULMALA
Harvey & Kulmala, LLC
PO Box 705
Barnwell, SC 29812
(803) 259-5531

AFFIDAVIT OF GEORGE SMITH

PERSONALLY APPEARED before me, the undersigned, George Smith, who, being duly sworn, deposes and says:

1. I am George Smith, Sean's Uncle. I am a 31 year Civil Service employee of USDA/Rural Development. I was present in the Courtroom on Monday for Sean's guilty plea. I was prepared at that time to speak to the Court on Sean's behalf, and would like to convey through this affidavit, the thoughts that I had intended to deliver to the Court on Monday.
2. I would like to say a few things with regard to this most unfortunate situation that Sean has laid upon himself. First I want to acknowledge and state my total appreciation and understanding of the plight of the victims that spoke earlier. I say this with true compassion. My wife is a bank manager and I have concern for her. In fact a branch she managed previously was robbed and I remember the suffering of the bank employees. Also, I have a nephew by marriage, who is a pharmacist here in Orangeburg. Also, Sean's half-sister, Katie, at the time of this incident(s) was enrolled in pharmaceutical school.
3. But, I want to tell you what I know about Sean. Sean had a pretty tough time as a youngster. His mother left when he was a child and his dad, my Brother Phil, died when Sean was 16. I must admit that my brother did not offer the best environment for child rearing. Phil had numerous problems. But in that community, Norway, the community becomes the family. I saw on the courtroom wall a picture of someone whom I consider one of the great "Norwegians", Judge James (Jimmy) Williams. Jimmy helped Sean. He was a fellow church member at Sean's church, Norway Baptist Church. Jimmy was and is a man of Christ. He helped in mentoring Sean through church. Nearby to Sean's (my brother's) home was his grandmother, my mother Betty Smith, who was in court with us on Monday. She shouldered a major responsibility of the rearing of Sean. She was always less than a hundred yards away.
4. About Sean: He was no "druggie" in school. Certainly he was no angel but he did fairly well given all the difficulties he faced. After his dad died when Sean was age

ATTEST: TRUE COPY

Wingya D. Clark
CLERK OF COURT
ORANGERBURG COUNTY, SOUTH CAROLINA

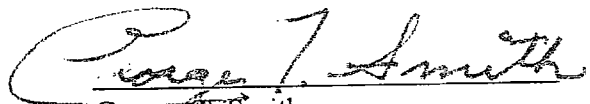
16 Sean lived with my mother. Eventually, Sean left my mother's home to move to Charleston to be with his birth mother, Donna. Sean exceeded my expectations. He obtained his high school degree and worked. The work was not glamorous and not, by any means, the road to affluence. But, Sean continued to do his best.

The one blemish in Sean's "record" was for driving under suspension (DUS) - a result of unpaid tickets for various moving violations that mounted over time.

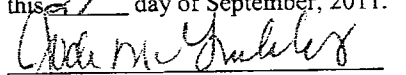
5. WHAT happened with Sean? As I understand Sean was having back pain that he attributed to the vehicle accident he had in his teens. It may have been the accident or just working on his feet for hours as a cook. I am not certain. But to make it short, he began taking oxycodone to deal with his back pain. It is my firm belief that this is what initiated the rapid downfall. He used the medications and became addicted. His need or craving (addiction) to the drug consumed him, as it has very many others. Addicted and in need of the drug, Sean did the unforgiveable, the unconceivable and committed these armed robberies. He admits that and clearly is placing his future upon the mercy of this court. HE WAS SO WRONG to take the steps to acquire the drugs. I fully understand this fact, but this young man needs help. Whatever your honor decides, I hope that it includes help that can return him to society where he may continue as a contributing member. His family loves him. He loves his family.

6. I have to say this about Sean. He is a loving young man. When I think of Sean, I think of how without failure, he ends every conversation with, Uncle George "I love you and tell Aunt Bubba and Dani I love them too". That is the true Sean. What we had happen is a drug addiction that resulted in a horrendous chain of events. THIS IS A LIFE THAT HAS VALUE. Please help him.

FURTHER YOUR AFFIANT SAYETH NAUGHT


George T. Smith

Sworn to and subscribed before me,
this 27 day of September, 2011.


Notary Public for South Carolina
My commission expires: 9-2019

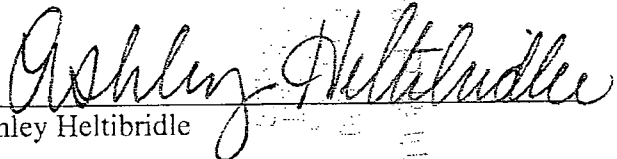
CERTIFICATE OF SERVICE

I, Ashley Heltibridle, paralegal for Pete Kulmala, attorney for the Defendant, Sean Smith, in the case of The State of South Carolina vs. Sean Smith, Case Nos.: M805154; M805157; M805158; and M640102, do hereby certify I have served the foregoing **Motion To Reconsider Sentence** on the date shown below by mailing a copy of the same via first class, US mail, postage prepaid, to the person listed below:

Thomas Scott, Asst. Solicitor
Office of the Solicitor for First Circuit
P.O. Box 1525
Orangeburg, SC 29116

Dale Savage, Asst. Solicitor
Office of the Solicitor for Ninth Circuit
101 Meeting Street
Charleston, SC 29401

Honorable Edgar Dickson
151 Docket St., Ste. 207
Orangeburg, SC 29115


Ashley Heltibridle

September 28, 2011
Barnwell, South Carolina

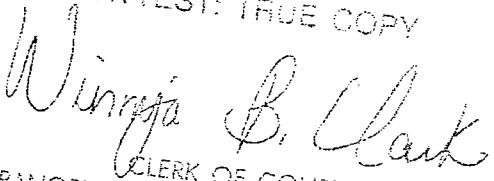
ATTEST: TRUE COPY

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

EXHIBIT #5

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

IN THE COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
)
vs.)
)
SEAN PHILIP SMITH,)
)
Defendant.)

ORDER

2011-GS-38-869, 2011-GS-38-872 &
2011-GS38-873

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
)
vs.)
)
SEAN PHILIP SMITH,)
)
Defendant.)

ORDER

2011-GS-10-5388

FILED
IN THE CLERK'S
OFFICE
2012 AUG 2
2012

2012 AUG -2 PM 3:20

This matter came before me on July 23, 2012 on the Defendant's Motion to Reconsider Sentence. Present in the courtroom were Sean Philip Smith, the Defendant; Pete Kulmala, attorney for the Defendant; and Thomas Scott, Deputy Solicitor.

The Court heard presentations from the Defendant and the State as to whether the Defendant's sentence of 25 years should be reconsidered.

The Court finds that the original sentence is appropriate and the Defendant's Motion to Reconsider Sentence is denied.

AND IT IS SO ORDERED.



Judge Edgar W. Dickson
Presiding Judge

Date: 8/2/12
Orangeburg, South Carolina

ATTEST: TRUE COPY
Wingja B. Clark
CLERK OF COURT
ORANGEBURG COUNTY

EXHIBIT #6



RECEIVED

MAR 8 2013

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 08, 2013

Mr. Pete Kumula
110 Main Street
Barnwell SC 29812

Re: The State v. Smith, Sean Philip
Appellate Case No. 2012-212664

Dear Counsel:

Please be advised that it has come to the Court's attention that the above matter originated from a guilty plea. Since this is an appeal from a guilty plea, nolo contendere plea, or plea pursuant to *Alford*, Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules requires you to provide "a written explanation showing that there is an issue which can be reviewed on appeal. This explanation should identify the issue(s) to be raised on appeal and the factual basis for the issue(s) including how the issue(s) was raised below and the ruling of the lower court on that issue(s). If an issue was not raised to and ruled on by the lower court, the explanation shall include argument and citation to legal authority showing how this issue can be reviewed on appeal." **Failure to make a sufficient showing may result in dismissal of this appeal.**

The explanation should be served and filed within ten (10) days of the date of this letter.

Please be advised the time limits for ordering the transcript are held in abeyance.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Robert M. Dudek
Salley W. Elliott

SAG

EXHIBIT #7

HARVEY & KULMALA, LLC

*Attorneys at Law
110 Main Street
Post Office Box 705
Barnwell, South Carolina 29812*

**J. Martin Harvey
Pete Kulmala**

**(803) 259-5531
Fax: 259-5414**

March 14, 2013

SC Court of Appeals
Jenny Abbott Kitchings, Clerk
PO Box 11629
Columbia, SC 29211

Re: State of South Carolina vs. Sean Smith
Case Nos.: 2011-GS-38-869; 2011-GS-38-872; 2011-GS-38-873; and
2011-GS-10-5388

Dear Ms. Kitchings:

Pursuant to instruction contained in the March 8, 2013 letter of Deputy Clerk Allen, the substantive response to the written explanation requirement of Rule 203(d)(1)(B)(iv) would be contained in the Motion to Reconsider Sentence under Rule 29, which was filed on September 28, 2011, heard by Judge Dickson on July 23, 2012, and decided in written order filed August 2, 2012. A copy of that Motion and Order are enclosed herewith. In that Motion, Appellant Smith sought the trial court's review and reconsideration of his sentence. Essentially, Appellant's Motion sought reduction of the sentence in light of enumerated facts and conditions, supporting a lesser time commitment. The Circuit Court Judge denied the motion by written order dated August 2, 2012 and filed August 2, 2012.

RECEIVED

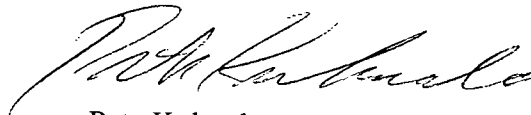
MAR 15 2013

OFFICE
APPELLATE CLERK

Should the Court require further information in connection with this response to the Rule 203 provision, please let me know.

Please accept my kind regards,

Most Respectfully,

A handwritten signature in black ink, appearing to read "Pete Kulmala", written in a cursive style.

Pete Kulmala

PK/ah

cc: Sean Smith
Thomas Scott, Esquire
Benjamin Simpson, Esquire
Robert M. Dudek, Esquire

EXHIBIT #8

HARRY A. WALKER
CIRCUIT COURT REPORTER
P. O. BOX 127
ROWESVILLE, S.C. 29133

MARCH 4, 2013

SHARON A. GRAHAM
ADMINISTRATIVE COORDINATOR
S. C. COMMISSION ON INDIGENT DEFENSE
P. O. BOX 11589
COLUMBIA, S. C. 29211-1589

RE: STATE VS. SEAN PHILIP SMITH,
APPELLATE CASE NO. 2012-212664
CASE NO. 2011-GS-38-00869, 00872, 00873, 05388
DATE OF TRIAL: SEPTEMBER 19, 2011

DEAR SHARON:

AS REQUESTED I AM ENCLOSING A COPY OF THE GUILTY PLEA
TRANSCRIPT IN THE ABOVE HELD ON SEPTEMBER 19, 2011, ALONG WITH MY
BILL FOR SAME.

WITH REGARD TO YOUR REFERENCE TO AN AUGUST 2, 2012 MOTIONS
HEARING, I HAVE NO RECORD OF A HEARING ON THAT DATE. I HAVE FOUND
IN MY INDEX A HEARING HELD ON JULY 23, 2012. HOWEVER, I HAVE
DILIGENTLY SEARCHED MY FILES AND AM UNABLE TO LOCATE MY RECORD OF
THIS HEARING.

SINCERELY YOURS,

Harry A. Walker
HARRY A WALKER

ENC.

CC: DESIREE ALLEN
COURT SERVICES COORDINATOR
S. C. COURT ADMINISTRATION
1015 SUMTER STREET, SUITE 200
COLUMBIA, S. C. 29201

MAR 6 2013

STATE OF SOUTH CAROLINA
CIRCUIT COURT



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 6, 2013

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

AUG 06 2013

SC Court of Appeals

Re: State v. Sean Phillip Smith, Appellate Case No. 2012-212664

Dear Ms. Kitchings,

Enclosed please find the original and six copies of the petition for order to reconstruct the record of Appellant's motion to reconsider sentence hearing in the above case and supporting documents.

If you have any questions concerning this matter, please contact me.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/eab

Enclosures

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Orangburg County

Edgar W. Dickson, Circuit Court Judge

RECEIVED

AUG 06 2013

SC COURT OF APPEALS

SEAN PHILLIP SMITH,

APPELLANT,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2012-212664

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies the petition for order to reconstruct the record of Appellant's hearing concerning his motion to reconsider sentence hearing in the above referenced case has been served upon Salley W. Elliott, Esquire, Assistant General, Office of the Attorney General, at Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, and Sean Phillip Smith, # 347944, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 6th day of August, 2013.

Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 6th day of August, 2013.

Emily B... (L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013.