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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
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September 17, 2013

Larry Weidner, Esquire
6 Professional Village Circle
Beaufort, South Carolina 29907

Re: State v. Terrance Seabrook

Dear Mr. Weidner:

We are once again reaching out to you for your assistance. You advised us on April 10, 2013 of several hearings in this case. We have received the sentencing portion (March 21, 2012) of the trial from March, 2012. We also have received the April 5, 2012 post-trial motion which was held before Judge Mullen. Those are the only transcripts we have received.

However, the transcripts of March 19, 2012 and March 20, 2012 motions and trial are unavailable as the tapes from Deborah Everett were not made available to Court Reporter Harriett Bennett who was assigned the task of transcribing the trial. Thus, a motion to reconstruct may be necessary for this portion of the trial. We would like to avoid that as you would be a critical witness and indispensable witness at that reconstruction hearing if we cannot get all of the transcripts necessary for this appeal.

You also indicated there was a hearing, possibly a *Jackson v. Denno* hearing on November 17, 2011. We have requested a transcript of that hearing (where Judge Mullen was the judge) from Court Administration, as the court reporter is no longer employed by Court Administration. Please confirm that Judge Mullen was indeed the judge at this hearing.

Further, you informed our office that the trial began on February 27, 2012 and on February 28, 2012 you requested a continuance because a co-defendant agreed to testify against your client in exchange for immunity. We must have more information on this hearing. Was the continuance granted? Regardless, are transcripts of these two days necessary for the appeal since the trial started again on March 19, 2012. We have requested a transcript of the hearing from

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SC Court of Appeals

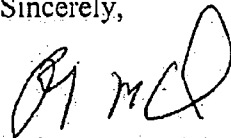
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every judge and every court reporter that was in Beaufort County on those dates. All of the reporters have said that they were not responsible for anything on this case for that time period..

We are enclosing a copy of Chief Justice Finney's order of December 12, 1997, indicating trial counsel's responsibility for providing this office with all hearing dates before this office is responsible for the case. I understand this is an inconvenience for you now that the trial is over but we cannot accept responsibility for this appeal without having all of the hearing dates. Finally, an attempted reconstruction of a trial will involve a massive expenditure of time and should only be conducted as a last resort after everyone has exhausted all attempts to obtain hearing and trial transcripts.

I am copying Salley Elliott on this letter to seek her assistance with this Deborah Everett case, and otherwise. Thank you for your assistance in this matter and we look forward to hearing from you soon.

Sincerely,



Robert M. Dudek
Chief Appellate Defender

RMD/sag

Enclosure

cc: S.C. Court of Appeals
Salley W. Elliott, Esquire