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Oct 20 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County

Honorable George M. McFadden, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KENNETH SHAWN BRAGG,

APPELLANT.

APPELLATE CASE NO. 2026-000496

MOTION FOR ABEYANCE PENDING RECEIPT OF CORRECTED TRIAL TRANSCRIPT

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests an order holding this appeal in abeyance pending receipt of a corrected trial transcript.

Appellant was indicted for Breach of Peace – High and Aggravated (2025-GS-13-00132), five counts of Attempted Murder (2025-GS-13-00130, 2025-GS-13-00135, 2025-GS-13-00183, 2025-GS-13-00188, and 2025-GS-13-00193), two counts of Discharging a Firearm at or into a Dwelling or Occupied Vehicle (2025-GS-13-00194 and 2025-GS-13-00203), one count of Discharging a Firearm at or into an Aircraft while Occupied (2025-GS-13-00205), and three counts

of Pointing a Firearm at a Person (2025-GS-13-00213, 2025-GS-13-00218, and 2025-GS-13-00220) by the February 2025 term of the Chesterfield County grand jury.

On February 10, 2026, appellant was tried for these charges before the Honorable George M. McFadden, Jr. and a jury. Appellant was represented by retained counsel Arthur Aiken; assistant solicitors Roger Henderson and John Tyler Baxley prosecuted the case.

On February 12, 2024, Appellant was found guilty as indicted on all charges except the attempted murders of Richard Hunton (2025-GS-13-00188) and Corey DeArmitt (2025-GS-13-00193), for which he was found guilty of the lesser-included offense of assault and battery, first degree.

Appellant was sentenced to a term of ten (10) years' incarceration on the Breach of Peace charge (concurrent), thirty (30) years on the Attempted Murder of Shane Whitley (consecutive), five (5) years on Pointing a Firearm at Shane Whitley (concurrent), thirty (30) years on the attempted murder of Marcia Miller (consecutive), thirty (30) years on the attempted murder of Matthew Redfearn (consecutive), ten (10) years on the Pointing a Firearm at Matthew Redfearn (concurrent), ten (10) years on the assault and battery of Corey DeArmitt (concurrent), ten (10) years on the assault and battery of Richard Hunton (concurrent), ten (10) years on the charge of discharging a firearm into an aircraft (concurrent), five (5) years on pointing a firearm at Richard Hunton (consecutive), and ten (10) years on each of the two counts of discharging a firearm at or into a dwelling (concurrent), with credit for 539 days' time served, for an aggregate sentence of ninety (90) years' incarceration.

The initial brief of appellant and designation of matter was due to this Court on Monday October 19, 2026. However, due to a clerical oversight, this motion was not filed. It was

discovered that Appellant has been unable to obtain a true and complete transcript of the trial, as will be discussed below.

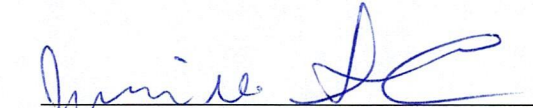
This trial was recorded by South Carolina Court Reporter Brenda Jones and was transcribed by retired South Carolina Court Reporter Penny Johnson. The first 252-page transcript delivered on or about August 19, 2026 by Ms. Johnson lacked the inclusion of jury qualifications and pre-trial motions and the cover neglected to list all but one of the indictments Appellant was on trial for. Upon discovery, the Division of Appellate Defense contacted Penny Johnson seeking a revised trial transcript. (Exhibit A)

The trial court has the authority to set the record for appeal. *State v. Ladson*, 373 S.C. 320, 324, 644 S.E.2d 271, 273 (Ct. App. 2007). “[T]he inability to prepare a complete verbatim transcript, in and of itself, does not necessarily present a sufficient ground for reversal.” *Id.* (internal citations omitted). “Where a trial transcript has been lost or destroyed, a court may remand to have the record reconstructed.” *Koon v. State*, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004); *see also Whitehead v. State*, 352 S.C. 215, 221, 574 S.E.2d 200, 203 (2002) (holding that when a transcript has been lost or destroyed, an appellate court may remand to have the record reconstructed).

The absence of pre-trial motions and jury qualifications prevents a meaningful appellate review absent an accurate record of the missing pleadings and testimony and acknowledgement of the factual and legal basis for issues surrounding the same. In the transcript’s current state, there is no opportunity for meaningful appellate review.

WHEREFORE, Appellant requests an order holding the present appeal in abeyance pending receipt of the revised trial transcript from Court Administration. While this motion is pending, Appellant asks this Court to hold the timelines for filing his initial brief of appellant and designation of matter in abeyance.

Respectfully submitted,



Jessica M. Saxon
Appellate Defender

ATTORNEY FOR APPELLANT

This 20TH DAY OF OCTOBER, 2026.

EXHIBIT A

Saxon, Jessica

From: Mcinnis, Sara
Sent: Tuesday, October 20, 2026 3:18 PM
To: pjohnson91028@gmail.com
Cc: Saxon, Jessica; Warren, Kaylynn; White, Della
Subject: FW: State v. Kenneth Bragg Transcript
Attachments: Transcript Feb. 10-12, 2026.pdf; Indictments and Sentence Sheets_0001.pdf

Good afternoon,

I received a bounce back in response to my email below. I also wanted to note that we are moving to hold this case in abeyance.

Thank you!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330

From: Mcinnis, Sara
Sent: Tuesday, October 20, 2026 1:21 PM
To: 'pjohnson@sccourts.org' <pjohnson@sccourts.org>
Cc: Saxon, Jessica <jsaxon@sccid.sc.gov>; Warren, Kaylynn <kwarren@sccid.sc.gov>; White, Della <dwhite@sccid.sc.gov>
Subject: State v. Kenneth Bragg Transcript

Good afternoon Ms. Johnson,

I hope you are doing well. I'm reaching out regarding the February 10-12, 2026 transcript that you provided us in The State v. Kenneth Bragg, which is attached to this email. The cover page of the transcript is missing the following indictment numbers: 2025-GS-13-00132, 2025-GS-13-00135, 2025-GS-13-00183, 2025-GS-13-00188, 2025-GS-13-00193, 2025-GS-13-00194, 2025-GS-13-00203, 2025-GS-13-00205, 2025-GS-13-00213, 2025-GS-13-00218 and 2025-GS-13-00220. Could you please add them to the cover page? I have attached the indictments in this case for your reference.

Also, the transcript does not include jury qualification or pre-trial motions. Would you be able to check the audio tapes for any untranscribed audio/see if there are any additional tapes to be transcribed?

Thank you so much for your assistance!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chesterfield County

Honorable George M. McFadden, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

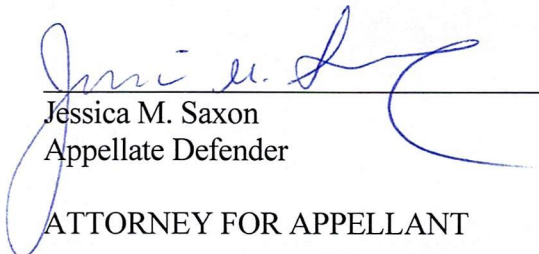
V.

KENNETH SHAWN BRAGG,

APPELLANT.

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Hold in Abeyance Pending Receipt of the Corrected Trial Transcript in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 20th day of October, 2026.



Jessica M. Saxon
Appellate Defender

ATTORNEY FOR APPELLANT

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SC Court of Appeals

Warren, Kaylynn

From: Warren, Kaylynn
Sent: Tuesday, October 20, 2026 4:15 PM
To: Mark Farthing
Cc: Saxon, Jessica; Grace Sommer
Subject: 2026-000496 The State v. Kenneth Shawn Bragg
Attachments: 2026-000496 The State v. Kenneth Shawn Bragg Motion for Abeyance Pending Receipt of Corrected Trial Transcript.pdf

Good Afternoon,

Attached for service in the above-referenced case is the Motion for Abeyance which will be filed today, October 20, 2026, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330

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