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APR 23 2014

SC Court of Appeals

April 23, 2014

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Re: State v. Terrance Seabrook

Dear Ms. Kitchings:

I am writing to update the Court on the status of this case. On November 21, 2013, this office wrote to inform the Court that we requested the November 17, 2011 transcript of proceedings that occurred in this case from court reporter Deborah Garrison. Trial counsel informed us that a *Jackson v. Denno* hearing was possibly held on this date. However, when we received the November 17, 2011 transcript from Ms. Garrison, we learned that this was actually a bond hearing.

Trial counsel also informed us that proceedings occurred in this case on February 27, 2012 and February 28, 2012 before the Honorable J. Ernest Kinard. Trial counsel explained that a *Jackson v. Denno* hearing was possibly held on February 27, 2012 and a motion for a continuance was held and granted on February 28, 2012. However, Judge Kinard is not listed as a circuit court judge for Beaufort County during the February 27, 2012 term of court.

Out of an abundance of caution, we again checked with Amanda Haffenden, the court reporter for the Honorable Roger M. Young on February 27, 2012 and February 28, 2012, regarding whether she had any tapes pertaining to this case. Ms. Haffenden informed us she does have tapes of a motion for a continuance held on February 28, 2012. However, she indicated that she does not have any tapes of proceedings on February 27, 2012. Specifically, she stated she does not have any tapes of a *Jackson v. Denno* hearing. We mailed a written request to Ms. Haffenden on April 16, 2014 for the transcript of the proceedings held on February 27, 2012 and February 28, 2012.

The trial was ultimately held on March 19-21, 2012 before the Honorable Carmen Mullen. Deborah Everett was the court reporter. According to trial counsel, a second *Jackson v. Denno* hearing was not conducted by Judge Mullen at the start of trial. Instead, Judge Mullen adopted the

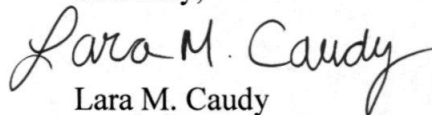
ruling of whichever judge originally heard the motion. We received the March 21, 2012 transcript from Harriett Bennett who was assigned the task of transcribing the trial. Ms. Bennett certified that this is the only portion of the trial that is available for transcription. Therefore, we have been unable to obtain the March 19, 2012 transcript and the March 20, 2012 transcript. The March 21, 2012 transcript only includes closing arguments, jury instructions, verdict, and sentencing.

Additionally, we have received the April 5, 2012 transcript of a hearing on a post-trial motion held before Judge Mullen.

I am copying Salley Elliott on this letter to seek her assistance with obtaining the missing transcripts (*Jackson v. Denno* hearing, jury selection, pretrial motions, opening statements, and all of the trial testimony) in this case and to keep her updated on the status. I plan to file a motion for a new trial or for a reconstruction hearing unless information is forthcoming within ten days regarding the missing tapes that need to be transcribed.

If you require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lara M. Caudy". The signature is written in black ink and is positioned above the typed name and title.

Lara M. Caudy
Appellate Defender

LMC/pcm

cc: Salley W. Elliott, Esquire
Larry Weidner, Esquire
Terrance Seabrook