

 ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

RECEIVED
MAY 02 2014
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TERRANCE SEABROOK,

APPELLANT

PETITION FOR ORDER TO RECONSTRUCT
THE RECORD OF APPELLANT'S
TRIAL OR IN THE ALTERNATIVE
AN ORDER SETTING ASIDE HIS CONVICTION
AND ORDERING A NEW TRIAL

Appellate Case No: 2012-212388

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests an order requiring the parties to reconstruct the record of the remaining portions of Appellant's trial transcript held on March 19-21, 2012 before the Honorable Carmen T. Mullen in Beaufort County and the transcripts of any other pretrial hearings held in Appellant's case. In the alternative, Appellant requests an order setting aside his conviction and ordering a new trial.

In accordance with Rule 240(c), SCACR, undersigned counsel submits the following documents to support her motion: indictments (Exhibit #1); notice of intention

to seek life imprisonment sentence (Exhibit #2); verdict form (Exhibit #3); sentence sheet (Exhibit #4); trial transcript index (Exhibit #5); page 3 of the transcript (Exhibit #6); page 59 of the transcript (Exhibit #7); affidavit of Harriet P. Bennett (Exhibit #8); notice of appeal (Exhibit #9); and state's witness list (Exhibit #10).

A Beaufort County Grand Jury indicted Appellant on December 16, 2010 for armed robbery and kidnapping based on events that allegedly occurred on October 4, 2010. Exhibit #1. The armed robbery indictment alleges Appellant robbed a convenience store on St. Helena Island by use of force while armed or alleging he was armed with a deadly weapon in the immediate presence of Sean Kirkpatrick. Exhibit #1. The kidnapping indictment alleges Appellant unlawfully seized, confined, or kidnapped Kirkpatrick. Exhibit #1.

On February 3, 2012, the state filed a Notice of Intention to Seek Life Imprisonment Sentence pursuant to South Carolina Code Section 17-25-45(A) based upon Appellant's prior conviction for armed robbery. Exhibit #2.

Appellant's case was originally called to trial during the February 27, 2012 term of court, but the Honorable Roger M. Young granted trial counsel's motion for a continuance after Appellant's co-defendant was offered immunity in exchange for his testimony against Appellant. Trial counsel has repeatedly informed undersigned counsel that a *Jackson v. Denno*¹ hearing was held on February 27, 2012. However, undersigned counsel has been unable to obtain the transcript of a *Jackson v. Denno* hearing or confirm that a *Jackson v. Denno* hearing actually took place on that date.

¹ 378 U.S. 368 (1964)

Appellant's case was ultimately held March 19-21, 2012 before the Honorable Carmen T. Mullen, and a jury. Larry Weidner represented Appellant and James Bannon was the assistant solicitor. At the conclusion of the trial on March 21, 2012, the jury found Appellant guilty of armed robbery, but not guilty of kidnapping. Exhibit #3. Judge Mullen sentenced Appellant to life without parole pursuant to South Carolina Code Section 17-25-45(A). Exhibit #4.

Upon receipt of the appointment to represent Appellant, this office requested the trial transcript. Counsel received an incomplete transcript. Specifically, counsel only received the transcript of the third day of trial, March 21, 2012, which contained closing arguments, jury instructions, the verdict, and sentencing. Exhibit #5. On the index, the court reporter wrote, "Note: This [is] all that is available for transcript in the within case." Exhibit #5.

On page three of the transcript, the court reporter wrote, "TRANSCRIPTION NOTE: Motions noted as being held March 19, 2012, were not available for transcription. Trial matters heard on March 20, 2012, were not available for transcription." Exhibit #6. On page fifty-nine of the transcript, which is the certificate page, the court reporter indicated, "This is the only portion of the trial of the case that is available for transcription." Exhibit #7. Notably, the court reporter, Harriet P. Bennett, explained in her certificate that she prepared the transcript from the records of Deborah Everett. Exhibit #7.

Furthermore, counsel obtained an affidavit from Ms. Bennett indicating that the proceedings heard on March 19, 2012 and March 20, 2012 were not contained on the disc

sent to her from the records of Deborah Everett and, therefore, trial matters heard on March 19, 2012 and March 20, 2012 are not available for transcription. Exhibit #8.

The notice of appeal and sentence sheet indicate the sentence was imposed on March 21, 2012. Exhibits #4 & #9. Thus, at a minimum, Appellant's trial transcript lacks the testimony, motions, and rulings on March 19, 2012 and March 20, 2012.

Counsel is working to ascertain the number and names of the witnesses who testified at trial. Undersigned counsel received the state's witness list, which lists nineteen people, from trial counsel. Exhibit #10.

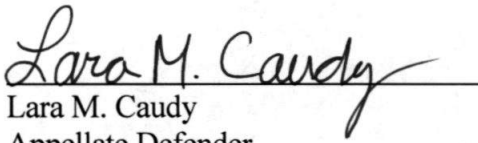
When a trial transcript has been lost or destroyed, the Court may remand to have the record reconstructed. Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002); China v. Parrott, 251 S.C. 329, 162 S.E.2d 276 (1968); Koon v. State, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004); Dolive v. J.E.E. Developers, Inc., 308 S.C. 380, 383, 418 S.E.2d 319, 321 (Ct. App. 1992); State v. Ladson, 373 S.C. 320, 325, 644 S.E.2d 271, 273-274 (Ct. App. 2007). A significant portion of Appellant's trial transcript has been lost and is no longer available through no fault of Appellant. Therefore, meaningful review of the record below is not possible with the current transcript. Appellant seeks reconstruction of the record to permit meaningful appellate review of his trial.

In the alternative, Appellant requests this Court set aside his conviction and sentence and remand for a new trial because the transcript fails to permit meaningful review. In Deaton v. Leath, 279 S.C. 82, 84, 302 S.E.2d 335, 336 (1983), the defendant's convictions were set aside and a new trial had 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. Citing Deaton, this Court denied a request for reconstruction in

State v. Serrette, 375 S.C. 650, 652-653, 654 S.E.2d 554, 555 (Ct. App. 2007) where the reason for the lack of transcript was due to the defendant's absence for a ten-year period, which this Court explained was "not a situation where the court reporter's equipment malfunctioned at trial leading to a loss of the trial transcript." Appellant is not at fault for the absence of significant portions of his transcript. As a result, Appellant requests this Court order a new trial in his case.

WHEREFORE, the undersigned counsel requests an order for the reconstruction of the remaining portions of Appellant's trial transcript and any other pretrial hearing transcripts in order to perfect Appellant's direct appeal in the case. In the alternative, Appellant requests this Court set aside his conviction and sentence and remand for a new trial. While this petition is pending, Appellant asks this Court to hold the timelines for filing his initial brief and designations in abeyance.

Respectfully submitted,


Lara M. Caudy
Appellate Defender

May 2, 2014

RECEIVED
MAY 02 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

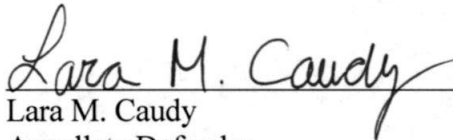
V.

TERRANCE SEABROOK,

APPELLANT

CERTIFICATE OF SERVICE

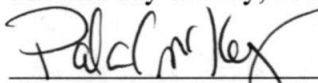
The undersigned attorney hereby certifies the petition for order to reconstruct the record of Appellant's trial or in the alternative an order setting aside his conviction and ordering a new trial in the above referenced case has been served upon Salley W. Elliott, Esquire, Senior Assistant Deputy Attorney General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 2nd day of May, 2014.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 2nd day of May, 2014.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 24 2022

Exhibit #1

WITNESSES

Chapman/BCSO

The State of South Carolina

County of Beaufort

rights, I hereby waive presentment to the Grand Jury.
Defendant

COURT OF GENERAL SESSIONS

November Term 2010

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

ARREST WARRANT NUMBER

M056516

THE STATE

VS.

ACTION OF GRAND JURY

Terrance Seabrook

Defendant

Foreperson of Grand Jury
Date: DEC 16 2010

VERDICT

Indictment for
Robbery / Armed Robbery, robbery while armed
or allegedly armed

Witness:

SC Code: 16-11-0330(A)
CDR Code:0139

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

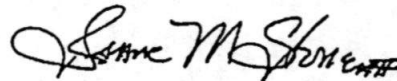
INDICTMENT
2010GS0702321

At a Court of General Sessions, convened on November 18, 2010, the Grand Jurors of Beaufort County present upon their oath:

Robbery / Armed Robbery, robbery while armed or allegedly armed

That on or about October 4, 2010, in Beaufort County, South Carolina, the Defendant, Terrance Seabrook, at 1702 Sea Island Parkway St. Helena, SC, by use of force, threats or intimidation and while armed with a deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or other object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, did take and carry away goods and/or monies from the person or immediate presence of Sean Kirkpatrick with the intent to permanently deprive the victim 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.



Solicitor

WITNESSES

Chapman/BCSO

The State of South Carolina

County of Beaufort

Defendant

I, being duly sworn, depose and say that the rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

Dec. November Term 2010

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

ARREST WARRANT NUMBER

M056515

THE STATE

vs.

Terrance Seabrook

Defendant

ACTION OF GRAND JURY

Title Bill

Smalley's
Coreperson of Grand Jury

DEC 16 2010

VERDICT

Indictment for

Kidnapping / Kidnapping

Witness:

SC Code: 16-03-0910
CDR Code:0095

C.C.C. PLS. and G.S.

Foreperson of Petit Jury

Date:
INDICT

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

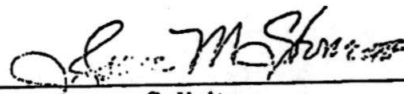
INDICTMENT
2010GS0702320

At a Court of General Sessions, convened on November 18, 2010, the Grand Jurors of Beaufort County present upon their oath:

Kidnapping / Kidnapping

That in Beaufort County, South Carolina, on or about October 4, 2010, the Defendant, Terrance Seabrook, unlawfully did seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Sean Kirkpatrick, without authority of law; all in violation of Section 16-3-910 of the Code of Laws of South Carolina, (1976, as amended)

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



Solicitor

Exhibit #2

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
THE STATE)
)
v.)
)
Terrance Seabrook,)
)
Defendant)
_____)

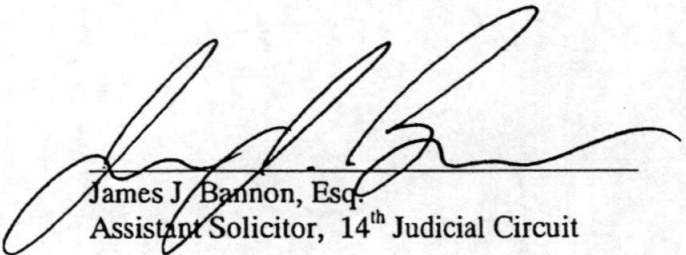
IN THE COURT OF GENERAL SESSIONS
Indictment No. 2010-GS-07-2321
2010-GS-07-2320

NOTICE OF INTENTION TO SEEK LIFE
IMPRISONMENT SENTENCE

TO: TERRANCE SEABROOK, DEFENDANT, AND HIS ATTORNEY OF
RECORD, LARRY WEIDNER, ESQUIRE.

YOU WILL PLEASE TAKE NOTICE, that the Solicitor's Office intends to seek
a life imprisonment sentence pursuant to Section 17-25-45(A), S.C. Code of Laws 1976,
as amended, upon the basis that you have one or more prior convictions for:

1. A most serious offense [to wit: Armed Robbery in violation of 16-11-330,
convicted on March 17, 1999.];


James J. Bannon, Esq.
Assistant Solicitor, 14th Judicial Circuit

Beaufort, S.C.
February 3, 2012

PROOF OF SERVICE

SERVED 02-03-12	DATE 02-03-12	PLACE Alpha-ONE
SERVED ON (PRINT NAME) Feb. 03, 2012		MANNER OF SERVICE SELF
SERVED BY (PRINT NAME) Green, Dolores.		TITLE LCPL.

DECLARATION OF SERVER

I certify that the forgoing information contained in the Proof of Service is true and correct.

Executed on _____

Green, Dolores⁷⁴⁷²⁴
SIGNATURE OF SERVER

ADDRESS OF SERVER

WITNESSES

Roper
Jones

ARREST WARRANT #:

E133381

Arrested on May 12, 1998

ACTION OF GRAND JURY

True Bill
Foreman: Donald Heber
Grand Jury

VERDICT

Guilty

Foreman: Diana S. Colfield
Petit Jury
Date: 3/17/99

DOCKET #: 98GS07-0986

THE STATE OF SOUTH CAROLINA
County of Beaufort

COURT OF GENERAL SESSIONS

Term: June, 1998

THE STATE

vs.

Terrance Seabrook

S to

INDICTMENT FOR

0139

ARMED ROBBERY

(16-11-330)

Certified - A True Copy

[Signature]

Clerk of Court
Beaufort County, SC

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT
STATE VS.

TERRANCE SEABROOK

AKA: _____
Race: _____ Sex: _____
DOB: _____ Age: _____
SSN: _____
DL#: _____
SID#: _____

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

98 -GS- 07 - 0986
A/W#: E133381
Date of Offense: 5-12-98
S.C. Code § : 16-11-330
CDR Code #: 0111319

SENTENCE

PLEA TRIAL

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO:

in violation of § 16-11-330 of the S.C. Code of Laws, bearing CDR Code # 1 1 1

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 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:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 13 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.

The Defendant is to be given credit for since 5/10/98 days/months jail time.

CONCURRENT or CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered
Total: \$ _____ plus 20% fee \$ _____
Payment Terms: _____
 set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$
§ 14-1-206 - Assessments 100%..... \$
§ 14-1-211 - Surcharge..... \$ 100.00
(Exceptions: See § 14-1-211)
§ 56-5-2995 (DUI)..... \$
County (3%)..... \$
TOTAL..... \$ 100.00

Clerk of Court/Deputy Clerk Shirley J. Williams

Court Reporter: Donna Hartley

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA217 (1/99)

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/F 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: _____

PRESIDING JUDGE A. Beatty
Judge Code: _____
Sentence Date: 3/17/99

Exhibit #3

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

Indictment No.: 2010- GS-07-2320
2010-GS-07-2321

The State of South Carolina,)

v.)

Terrance Seabrook,)

Defendant.)

VERDICT

As to Indictment Number 2010-GS-07-2321, the charge of **Armed Robbery**, we, the jury, unanimously find the Defendant, Terrance Seabrook:

____ Not Guilty.
X Guilty.

As to Indictment Number 2010- GS-07-2320, the charge of **Kidnapping**, we, the jury, unanimously find the Defendant, Terrance Seabrook:

X Not Guilty.
____ Guilty.

I certify that this is the unanimous decision of the jury.


FOREPERSON

March 21, 2012
Beaufort, South Carolina

When you have completed, please notify the bailiff.

Exhibit #4

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE VS.

INDICTMENT/CASE#: 2010GS0702321

Terrance Seabrook

A/W#: M056516

AKA:

Date of Offense: 10/4/2010

Race: B Sex: M Age: 40

S.C. Code §: 16-11-0330(A)

DOB: 01-21-1972 SS#:

CDR Code #: 0139

Address:

City, State, Zip:

DL#: SID#:

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 PLEADS TO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weapon

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: Bannon, Jim 77414 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 life without parole 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:
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 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 PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Recipient:
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:

Table with 3 columns: Description, Rate, 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, § 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 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$310, TOTAL \$133.70

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

Clerk of Court/ Deputy Clerk: Rebecca E. Smith
Court Reporter: Rebecca E. Smith
Presiding Judge: [Signature]
Judge Code: 2142
Sentencing Date: 3/21/2012

Certified - A True Copy

Exhibit #5

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I N D E X

Discussion re closing	
statements:	3
Closing Statements:	
Solicitor	9
Mr. Weidner	25
Charge on the Law	36
Jury question	53
Verdict	55

NOTE: This all that is available for transcript in
the within case.

Exhibit #6

1 TRANSCRIPTION NOTE:

2 Motions noted as being held March 19, 2012,
3 were not available for transcription.

4 Trial matters heard on March 20, 2012, were
5 not available for transcription.

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Exhibit #7

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CERTIFICATE

I, HARRIET P. BENNETT, Official Court Reporter for South Carolina Court Administration, hereby certify that the foregoing Transcript was prepared from the records of Deborah Everett to the best of my ability, having been heard in the Court of General Sessions for Beaufort County on March 21, 2012.

This is the only portion of the trial of the case that is available for transcription.

Further, I am neither of kin or counsel to any party to his action, nor do I have any interest in the matter.

March 27, 2013



Exhibit #8

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE SOUTH CAROLINA
COURT OF APPEALS

RECEIVED

APR 30 2014

THE STATE)
)
Respondent)

SC OFFICE OF
APPELLATE DEFENSE

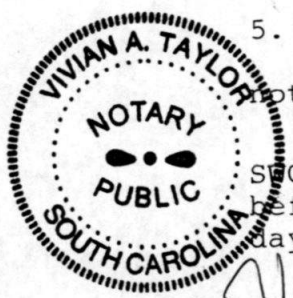
v.)

AFFIDAVIT OF
HARRIET P. BENNETT

TERRANCE SEABROOK)
)
Appellant)

PERSONALLY appeared before me Harriet P. Bennett, who, being
duly sworn, deposes and says:

1. I am an Official Court Reporter for South Carolina Court Administration;
2. I was assigned the task of transcribing the trial in this case from Beaufort County Court of General Sessions heard on March 19-21, 2012, from the records of Deborah Everett;
3. Upon receipt of Ms. Everett's records, I discovered that the proceedings heard on March 19, 2012, and March 20, 2012, were not contained on the disc sent to me;
4. I prepared the March 21, 2012, transcript from Ms. Everett's records to the best of my ability, which was the only portion of the trial that was available to me for transcription; and
5. Trial matters heard on March 19 and March 20, 2012, are not available for transcription.



SWORN TO and subscribed
before me, this
day of April, 2014.

Harriet P. Bennett

Vivian A. Taylor (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires
February 21, 2024

Commission expires:

Exhibit #9

**NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

Carmen T. Mullen, Circuit Court Judge

Case No. 2010-GS-07-2321

The State,

Respondent,

v.

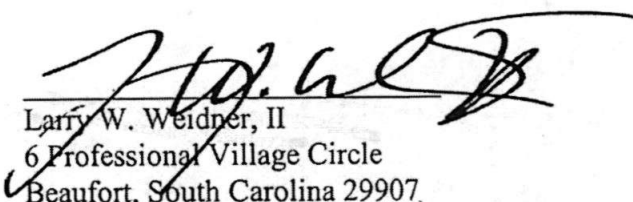
Terrance Seabrook,

Appellant.

NOTICE OF APPEAL

Terrance Seabrook appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Carmen T. Mullen on March 21, 2012. This appeal is taken from the order of the Honorable Carmen T. Mullen, dated April 26, 2012 which denied appellant's motion for a new trial. Appellant received written notice of entry of this order on April 26, 2012.

April 26, 2012


Larry W. Weidner, II
6 Professional Village Circle
Beaufort, South Carolina 29907
(843) 521-0004
Attorney for Appellant

Other Counsel of Record:
James T. Bannon
Assistant Solicitor
Post Office Box 1880
Bluffton, South Carolina 29910
(843) 255-5909
Attorney for Respondent

Exhibit #10

STATE OF SOUTH CAROLINA)
 IN THE COURT OF GENERAL SESSIONS)
 COUNTY OF BEAUFORT)
 STATE OF SOUTH CAROLINA)
 vs.)
)
 Terrance L. Seabrook,)
 Defendant)
 _____)

INDICTMENT NO(S):
 2010-GS-07-2320
 2010-GS-07-2321

LIST OF STATE'S POTENTIAL WITNESSES

The Solicitor's Office intends to call the following witness at the trial for the above listed case:

- 1. Adam Paul - *Responding Deputy* BCSO
- 2. Adam Draisen - *Responding Deputy* BCSO
- 3. Derek Nelson BCSO
- 4. Thomas McCurry - *perimeter - got in SUV* BCSO
- 5. Sean Kirkpatrick Victim
- 6. Brian Chapman - *Investigator* BCSO
- 7. Mike Pierce NCIS
- 8. Shawn Boyd - *Marine* Civilian
- 9. Eric Angstadt - *K-9* BCSO
- 10. Jeremiah Fraser - *K-9* BCSO
- 11. Shatike J. Shabazz Civilian
- 12. John Donahue BCSO DNA Lab
- 13. Sammy Washington Civilian
- 14. Jeff Vortisch BCDC
- 15. Eileen Rios BCSO Evidence
- 16. Ramona Kuhn BCSO Evidence
- 17. Chris Wilson BCSO
- 18. Jon Guise BCSO
- 19. Brian Baird BCSO

James Bannon
 Assistant Solicitor
 14th Judicial Circuit

ORIGINAL



SCCID

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

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MAY 02 2014

SC Court of Appeals

May 2, 2014

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

Re: State v. Terrance Seabrook

Dear Ms. Kitchings,

Enclosed please find the original and six copies of the petition for order to reconstruct the record of Appellant's trial or in the alternative an order setting aside his conviction and ordering a new trial in the above case.

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

Sincerely,

Lara M. Caudy

Lara M. Caudy
Appellate Defender

LMC/pcm

Enclosures