



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

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SEP 25 2014

SC Court of Appeals

September 25, 2014

Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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

Dear Ms. Kitchings:

On December 20, 2013, this Court granted the petition to remand Mr. Smith's case to the Honorable Edgar W. Dickson for a new hearing on the motion for reconsideration of his sentence. Pursuant to our motion, this Court is holding the appeal in abeyance pending resolution of the motion for reconsideration. On Monday, September 22, 2014, I received the enclosed order from appointed counsel, Nick Thomas. Essentially, Judge Dickson denied the motion to reconsider the sentence. We have ordered the transcript from the motion for reconsideration. We ask that this Court continue to hold the matter in abeyance pending receipt of the transcript.

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

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/

Enclosures: Order dated August 18, 2014
Transcript request dated May 22, 2014
Follow-up on transcript request dated September 22, 2014

cc: Salley Elliott, Esquire (w/ enclosure)
Sean Phillip Smith, #347944 (w/ enclosure)

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 FOR RECORD
WINNIE S. CLARK
CLERK OF COURT
ORANGEBURG, SC

2014 AUG 22 AM 8:35

This matter came before the Court on March 13, 2014 on the Defendant's Motion to Reconsider Sentence. Present in the courtroom were Sean Philip Smith, the Defendant; Nicholas Thomas, attorney for the Defendant; and Thomas Scott, Deputy Solicitor.

It appears that on September 9, 2011, the Defendant entered a guilty plea to one count of armed robbery (2011-GS38-869) and two counts of assault and battery, 1st degree (2011-GS38-872 & 873) stemming from an incident that occurred in Orangeburg County, and one count of armed robbery (2011-GS10-5388) stemming from an incident that occurred in Charleston County.

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

It further appears that the Court sentenced the Defendant to twenty five (25) years on the armed robbery indictments and ten (10) years on the assault and battery indictments, with all sentences to run concurrently.

On March 13, 2014, the Court heard presentations from the Defendant and the State as to whether the Defendant's sentence should be reconsidered.

After due deliberation and upon review of the memoranda, case law, exhibits and arguments of counsel, the Court finds that the existing 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: 8/18/14
Orangeburg, South Carolina



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SEP 25 2014

SC Court of Appeals

May 22, 2014

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MAY 22 2014

SC Court of Appeals

Ms. Hilda M. Jordan
Circuit Court Reporter
PO Box 435
Lexington, SC 29071

Dear Ms. Jordan:

Please provide us with the following transcript:

The State v. Sean Phillip Smith

Case #:

11-GS-38-00869, 00872,
00873, 05388

County: Orangeburg

Motion for rec: onsideration hearing

March 13, 2014

Presiding Judge: Edgar W. Dickson

Pursuant to the SC Court Reporter's Manual, please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Consecutive numbering of pages must be used throughout all volumes regardless of the number of volumes involved. Additionally, please transcribe the **jury selection**, and the State and defense counsel's **opening and closing arguments**, and include the **jury strike sheet**. Please be sure to include **Headers** and a **complete index** including a listing of exhibits.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

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MAY 22 2014

SC COURT OF APPEALS

Sincerely,

Sean M. Flynn
Administrative Assistant

cc: S.C. Court of Appeals
Attorney General's Office



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SEP 22 2014

September 22, 2014

SC Court of Appeals

Ms. Desiree Allen
S.C. Court Administration
1015 Sumter Street, 2nd Floor
Columbia, South Carolina 29201-3739

Dear Ms. Allen:

The transcript listed below was requested by this office. Pursuant to Rule 207(a)(2), SCACR, the allotted time of sixty (60) days has lapsed to either receive the transcript or an extension to deliver same.

<u>Court Reporter</u>	<u>Due Date</u>	<u>Case Name</u>
Ms. Hilda M. Jordan	7/21/14	Sean Phillip Smith

Trial Date: March 13, 2014

I would appreciate your confirming in writing as to the status of the above-referenced transcript. If you should have any questions, please do not hesitate to contact me.

Sincerely,

Sean M. Flynn
Administrative Assistant

cc: S.C.Court of Appeals
Attorney General's Office

RECEIVED

SEP 22 2014

SC OFFICE OF
APPELLATE DEFENSE