

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
JUN 29 2015  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

TERRANCE SEABROOK,

APPELLANT

\_\_\_\_\_  
MOTION TO HOLD APPEAL FROM APPELLANT'S  
CONVICTION AND SENTENCE IN ABEYANCE  
PENDING RESOLUTION OF APPEAL FROM THE  
RULING RECONSTRUCTING THE RECORD  
OF APPELLANT'S TRIAL

Appellate Case No: 2012-212388  
\_\_\_\_\_

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel respectfully requests this Court hold the appeal from Appellant's conviction and sentence in abeyance pending resolution of the appeal from the ruling reconstructing the record of his 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 from conviction and sentence (Exhibit #9); and notice of intent to appeal from ruling reconstructing the record. (Exhibit #10).

Undersigned counsel would respectfully show this Court:

1. A Beaufort County Grand Jury indicted Appellant at the December 16, 2010 term of General Sessions 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.

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

3. Appellant's case was originally called to trial during the February 27, 2012 term of court. However, 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. Appellant's trial counsel repeatedly informed undersigned counsel that a *Jackson v. Denno*<sup>1</sup> hearing was held on February 27, 2012 before Judge Young granted a continuance. However, undersigned counsel was never able to confirm whether a *Jackson v. Denno* hearing actually took place on that date.

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<sup>1</sup> 378 U.S. 368 (1964)

4. Appellant's trial 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 acquitted Appellant of kidnapping, but found him guilty of armed robbery. Exhibit #3. Judge Mullen sentenced Appellant to life without parole pursuant to S.C. Code Ann. § 17-25-45(A). Exhibit #4.

5. On April 26, 2012, Appellant filed a Notice of Intent to Appeal from his conviction and sentence. Upon receipt of the appointment to represent Appellant, the Office of Appellate Defense requested Appellant's trial transcript. Undersigned 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.

6. In the transcript index, the court reporter wrote, "Note: This [is] all that is available for transcript in the within case." Exhibit #5. Furthermore, on page three, 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.

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 were not available for transcription. Exhibit #8.

8. On May 2, 2014, undersigned counsel filed a motion with this Court requesting the case be remanded to the circuit court to reconstruct the record. By order dated June 11, 2014, this Court granted Appellant's motion and remanded the case.

9. On January 26, 2015, a hearing was held in Beaufort County before Judge Mullen. Deborah Everett, the court reporter who was present at Appellant's trial, was subpoenaed to appear and bring all of her records and recordings from trial. Ms. Everett handed over several compact discs containing her records to the court. These compact discs were given to Wanda Rowe, a certified court reporter with Court Administration, by Judge Mullen. Ms. Rowe was able to transcribe the proceedings that occurred on March 20, 2012, which included opening statements and all of the trial testimony, from the records of Deborah Everett. Unfortunately, there were numerous "inaudible" portions that appeared in the March 20, 2012 transcript.

10. Because Ms. Rowe is often a court reporter in Beaufort County, she checked her own records and determined that she was the original court reporter who was present and recorded the voir dire and jury selection during Appellant's trial on the morning of March 19, 2012. Ms. Rowe also transcribed these proceedings.

11. On April 15, 2015, a hearing was held in Beaufort County before Judge Mullen to reconstruct the remaining portions of Appellant's trial, which included all of the proceedings that took place on the afternoon of March 19, 2012, specifically all the pretrial motions and a *Jackson v. Denno* hearing. Undersigned counsel represented Appellant at this hearing and assistant solicitor Lynorr Musser represented the state.

12. At the April 15, 2015 hearing, undersigned counsel called Larry Weidner, James Bannon, Appellant, and the two law enforcement officers who supposedly testified during the *Jackson v. Denno* hearing as witnesses. Unfortunately, all of these witnesses had little recollection of the pretrial proceedings that occurred in March 2012, a little over three years prior. Their testimony was largely a summary of what each recalled. Most significantly, the two law enforcement officers had almost no recollection of their pretrial testimony during the *Jackson v. Denno* hearing nor could any of the parties or witnesses recall whether the *Jackson v. Denno* hearing was held on February 27, 2012 before Judge Young or on March 19, 2012 before Judge Mullen. However, Judge Mullen indicated that she would have reheard the matter and made her own ruling on the admissibility of Appellant's statements.

13. Moreover, Mr. Weidner only had a vague recollection of his objections to the admissibility of Appellant's recorded statements to law enforcement. His testimony was a mere summary of what *he believed his objections to be* and he could not recall whether he cited to any case law on the matter. This was also the case with regards to Mr. Weidner's objection to the admissibility of recorded telephone calls Appellant allegedly made to various family members while he was in pretrial detention. Mr. Weidner only had a vague idea of what *he believed his objection was* to these telephone calls. He again could not remember whether he cited to any case law in support of his arguments.

14. Furthermore, Mr. Weidner could not specifically recall what his objection was to State's Exhibit No. 26, which was a photograph entered into evidence. He testified as to what *he believed his objection would have been* in summary fashion.

15. At the conclusion of the hearing, undersigned counsel argued the record had not been reconstructed to allow for meaningful appellate review, especially in light of this Court's error preservation rules. However, Judge Mullen, over counsel's objection, ruled that the record had been sufficiently reconstructed.

16. On April 23, 2015, Appellant filed a Notice of Intent to Appeal from Judge Mullen's oral ruling that the record of his trial was sufficiently reconstructed to allow for meaningful appellate review. Exhibit #10.

17. Upon receipt of the transcript from the April 15, 2015 reconstruction hearing, undersigned counsel wrote to this Court and requested the Court hold Appellant's appeal from his conviction and sentence in abeyance pending resolution of his appeal from Judge Mullen's ruling reconstructing the record. On June 17, 2015, this Court wrote to undersigned counsel and asked counsel to file a motion within ten days concerning this request.

18. In State v. Travis Anthony Ladson, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007), this Court held Ladson's appeal from his conviction and sentence in abeyance pending resolution of his appeal from the ruling reconstructing the record of his trial. This is the procedure Appellant respectfully respects this Court follow in his case.

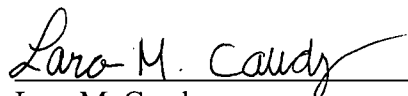
19. In Ladson, this Court held the record was not sufficiently reconstructed to allow for meaningful appellate review where the reconstructed record was "largely conclusory, with testimony, objections, and the like recalled only in summary fashion." 373 S.C. at 323, 644 S.E.2d at 272. Appellant argues that the reconstructed record in his case is likewise "largely conclusory, with testimony, objections, and the like recalled only in summary fashion." Trial counsel Weidner could only recall the general objections and

arguments he made during the pretrial hearing. What was reconstructed was merely a summary of what the parties could recall about the pretrial proceedings over three years later. Notably, as mentioned, the law enforcement officers had little, if any, recollection of their pretrial testimony during the *Jackson v. Denno* hearing. This greatly hinders Appellant's ability to appeal his conviction and sentence of life without parole. It will also significantly affect his ability to collaterally challenge his conviction and sentence through post-conviction relief.

20. Following the procedure used in Ladson is proper in this case because it would be illogical for Appellant to appeal his conviction and sentence on the merits when Appellant strongly believes the record has not been sufficiently reconstructed to allow for meaningful appellate review.

WHEREFORE, undersigned counsel respectfully requests this Court hold the appeal from Appellant's conviction and sentence in abeyance pending resolution of the appeal from Judge Mullen's ruling reconstructing the record. While this motion is pending, Appellant asks this Court to hold the timelines for filing his initial brief and designation of matter in abeyance.

Respectfully submitted,

  
\_\_\_\_\_  
Lara M. Caudy  
Appellate Defender

June 29, 2015

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Beaufort County  
Carmen T. Mullen, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

TERRANCE SEABROOK,

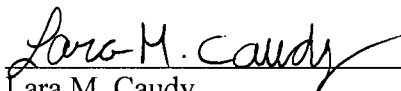
APPELLANT

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CERTIFICATE OF SERVICE

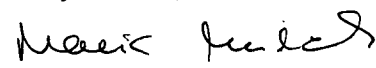
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The undersigned attorney hereby certifies that a true copy of the motion to hold appeal from Appellant's conviction and sentence in abeyance pending resolution of the appeal from the ruling reconstructing the record of Appellant's trial in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 29th day of June, 2015.

  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 29th day of June, 2015.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 3, 2023.

# **Exhibit #1**

**WITNESSES**

Chapman/BCSO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ARREST WARRANT NUMBER**

M056516

\_\_\_\_\_  
\_\_\_\_\_

**ACTION OF GRAND JURY**

\_\_\_\_\_  
\_\_\_\_\_

*B. M. ...*  
Foreperson of Grand Jury  
Date:

DEC 16 2010

**VERDICT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Foreperson of Petit Jury  
Date:

INDICT

**The State of South Carolina**

County of Beaufort

=====

**COURT OF GENERAL SESSIONS**

*Dec.*  
~~November~~ Term 2010

=====

**THE STATE**

vs.

Terrance Seabrook

=====

**Indictment for**

Robbery / Armed Robbery, robbery while armed  
or allegedly armed

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

rights, I hereby waive presentment to the  
Grand Jury.

Defendant

=====

I \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Defendant

Witness:

\_\_\_\_\_

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

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

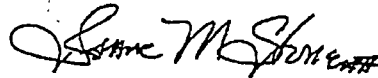
INDICTMENT  
2010GS0702321

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.



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Solicitor

WITNESSES

Chapman/BCSO

ARREST WARRANT NUMBER

MO56515

ACTION OF GRAND JURY

True Bill

*B. Smith*  
Foreperson of Grand Jury  
Date:

DEC 16 2010

VERDICT

Foreperson of Petit Jury  
Date:  
INDICT

DOCKET NO. 2010-00000000

The State of South Carolina  
County of Beaufort

COURT OF GENERAL SESSIONS

*Dec.*  
November Term 2010

THE STATE

vs.

Terrance Seabrook

Indictment for  
Kidnapping / Kidnapping

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

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF BEAUFORT        )

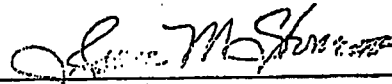
INDICTMENT  
2010GS0702320

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

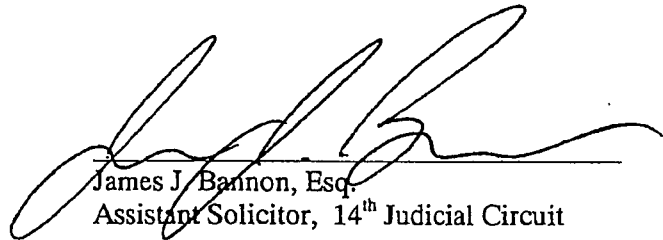
2010-GS-07-2320

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 intents 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, 14<sup>th</sup> 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, Dolores <sup>71724</sup>  
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 H. Lee*  
Grand Jury

VERDICT

*Guilty*

Foreman:

*Dennis G. Coffield*  
Petit Jury

Date: *3/17/98*

DOCKET #: 98GS07-0986

THE STATE OF SOUTH CAROLINA  
County of Beaufort

COURT OF GENERAL SESSIONS

Term: June, 1998

THE STATE

vs.

Terrance Seabrook

*S. L.*

INDICTMENT FOR

0139

ARMED ROBBERY

(16-11-330)

Certified - A True Copy

*[Signature]*

\_\_\_\_\_  
Clerk of Court  
Beaufort County, SC



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS  
INDICTMENT/CASE#:

COUNTY OF BEAUFORT  
STATE VS.

98 -GS- 07 - 0986

TERRANCE SEABROOK

A/Wi: E133381

AKA: \_\_\_\_\_

Date of Offense: 5-12-98

Race: \_\_\_\_\_ Sex: \_\_\_\_\_

S.C. Code § : 16-11-330

DOB: \_\_\_\_\_ Age: \_\_\_\_\_

CDR Code #: 0111319

SSN: \_\_\_\_\_

DL#: \_\_\_\_\_

SID#: \_\_\_\_\_

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 5/10/92 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 A. Williams

Court Reporter: Donna Hartley

White - Clerk

Green - Corrections

Ceany - Probation

Pink - Defendant

SCCA217 (1/99)

PTUP \_\_\_\_\_  
\_\_\_\_\_ days/hours Public Service Employment

Obtain GED \_\_\_\_\_

Attend Voc Rehab. or Job Corps \_\_\_\_\_

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: \_\_\_\_\_

PRESIDING JUDGE A. Beatty

Judge Code: \_\_\_\_\_

Sentence Date: 3/17/99

\_\_\_\_\_  
Clerk of Court  
County, SC

# **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: 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 w/minor 1st or Lewd Act)  §17-25-45

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      days/hours Public Service Employment  
Total: \$      plus 20% fee: \$       
Payment Terms:       
 Set by SCDPPPS     

Recipient:     

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 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	\$ 25.00
§ 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 (SCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

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:     

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

Clerk of Court/ Deputy Clerk Leah Sanderson Jones  
Court Reporter Rebecca Bennett

Presiding Judge Chandler  
Judge Code: 2142  
Sentence 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**

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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 #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

THE STATE )  
 )  
Respondent )

APR 30 2014

SC OFFICE OF  
APPELLATE COUNSEL

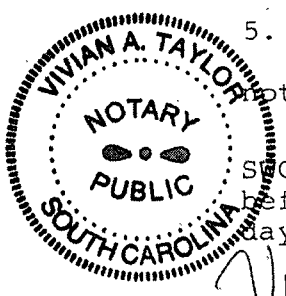
v. )  
 )

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.

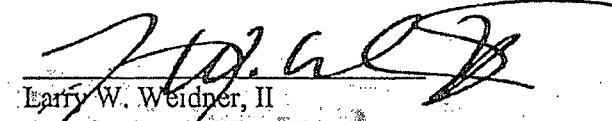
Terrance Seabrook,

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 Appeals

---

APPEAL FROM BEAUFORT COUNTY

Carmen T. Mullen, Circuit Court Judge

---

Indictment No: 2010-GS-07-2321

Appellate Case No: 2012-212388

---

THE STATE

RESPONDENT,

V.

TERRANCE SEABROOK,

APPELLANT.

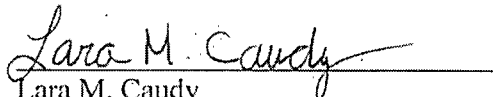
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NOTICE OF INTENT TO APPEAL

---

Terrance Seabrook hereby appeals the oral order of the Honorable Carmen T. Mullen that the trial record was sufficiently reconstructed to allow for meaningful appellate review. This ruling was made at the conclusion of the reconstruction hearing held on April 15, 2015. Appellant appeals for the purpose of returning jurisdiction to this Court.

April 23, 2015

  
Lara M. Caudy  
Appellate Defender

S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211-1589  
(803) 734-1343

ATTORNEY FOR APPELLANT

Other Counsel of Record:

Lynnorr Musser  
Assistant Solicitor  
Post Office Box 1880  
Bluffton, South Carolina 29910  
(843) 255-5880  
Attorney for Respondent

Salley W. Elliott  
Senior Assistant Deputy Attorney General  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
Columbia, South Carolina 29201  
Attorney for Respondent

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Carmen T. Mullen, Circuit Court Judge

Indictment No: 2010-GS-07-2321

Appellate Case No: 2012-212388

RECEIVED  
JUN 29 2015  
SC Court of Appeals

THE STATE

RESPONDENT,

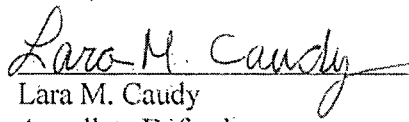
v.

TERRANCE SEABROOK,

APPELLANT.

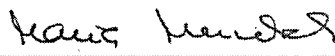
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Notice of Intent to Appeal in the above referenced case has been served upon Lynorr Musser, Esquire, at Post Office Box 1880, Bluffton, SC 29910 and upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 23rd day of April 2015.

  
Lara M. Caudy  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 23rd day of April, 2015.

  
\_\_\_\_\_  
Notary Public for South Carolina.  
My Commission Expires: July 3, 2023.



# 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

June 29, 2015

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 motion to hold appeal from Appellant's conviction and sentence in abeyance pending resolution of the appeal from the ruling reconstructing the record of Appellant's trial in the above referenced case.

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

Sincerely,

Lara M. Caudy  
Appellate Defender

LMC/blw

Enclosures

RECEIVED  
JUN 29 2015  
SC Court of Appeals