



# The Supreme Court of South Carolina

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February 27, 2019

The Honorable Julie J. Armstrong  
Clerk of Court, Charleston County  
100 Broad St Ste 106  
Charleston SC 29401-2210

## REMITTITUR

Re: The State v. Dean Nelson Seagers  
Lower Court Case No. 2012-GS-10-06779  
Appellate Case No. 2017-001928

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc:

Tara Dawn Shurling, Esquire

Scarlett Anne Wilson, Esquire

Joshua Abraham Edwards, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

The State, Respondent,

v.

Dean Nelson Seagers, Petitioner.

Appellate Case No. 2017-001928

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**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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Appeal from Charleston County  
Kristi Lea Harrington, Circuit Court Judge

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Memorandum Opinion No. 2019-MO-010  
Heard February 20, 2019 – Filed February 27, 2019

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**CERTIORARI DISMISSED AS IMPROVIDENTLY  
GRANTED**

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Tara D. Shurling, of Columbia, for Petitioner.

Attorney General Alan M. Wilson and Assistant Attorney  
General Joshua A. Edwards, both of Columbia, for  
Respondent.

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**PER CURIAM:** We issued a writ of certiorari to review the court of appeals' decision in *State v. Dean Nelson Seagers*, Op. No. 2017-UP-263 (S.C. Ct. App. filed June 28, 2017). We now dismiss the writ as improvidently granted.

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Dean Nelson Seagers, Appellant.

Appellate Case No. 2015-001662

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Appeal From Charleston County  
Kristi Lea Harrington, Circuit Court Judge

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Unpublished Opinion No. 2017-UP-263  
Submitted May 1, 2017 – Filed June 28, 2017

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**AFFIRMED**

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Tara Dawn Shurling, of Law Office of Tara Dawn  
Shurling, PA, of Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant  
Attorney General Susan Ranee Saunders, both of  
Columbia; and Solicitor Scarlett Anne Wilson, of  
Charleston, all for Respondent.

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**PER CURIAM:** Dean Nelson Seagers appeals his conviction of distribution of cocaine base, arguing the trial court erred in (1) admitting a detective's voice identification testimony when the State failed to present a sufficient foundation, (2)

admitting the detective's voice identification testimony when the detective was not qualified as an expert in voice identification and the jury was likely, on the narrow facts of the case, to view his testimony as deriving from his qualifications as an expert in narcotics investigations, and (3) instructing the jury on the law of accomplice liability when no evidence adduced at trial tended to establish that Seagers acted in concert with anyone. We affirm<sup>1</sup> pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in admitting the voice identification testimony: *State v. Douglas*, 369 S.C. 424, 429, 632 S.E.2d 845, 847-48 (2006) ("The admission or exclusion of evidence is a matter addressed to the sound discretion of the trial court and its ruling will not be disturbed in the absence of a manifest abuse of discretion accompanied by probable prejudice."); *State v. Smith*, 307 S.C. 376, 386, 415 S.E.2d 409, 415 (Ct. App. 1992) ("[A] witness[s] testimony of identification of a person by having heard his voice has been regarded as legitimate and competent evidence to establish identity in criminal cases."); *id.* at 387, 415 S.E.2d at 415 (recognizing "the identity of the party with whom the witness talked need not be known at the time of the conversation, but is sufficient if knowledge enabling the witness to identify the other party is later obtained" (citing *State v. Porter*, 251 S.C. 393, 398, 162 S.E.2d 843, 846 (1968))); *State v. Fripp*, 396 S.C. 434, 441, 721 S.E.2d 465, 468 (Ct. App. 2012) ("[T]he identification of a familiar person does not require any specialized knowledge, skill, experience, or training . . .").

2. As to whether the trial court erred in charging the jury on the law of accomplice liability: *State v. Mattison*, 388 S.C. 469, 479, 697 S.E.2d 578, 584 (2010) ("An appellate court will not reverse the trial judge's decision regarding a jury charge absent an abuse of discretion."); *State v. Condrey*, 349 S.C. 184, 194, 562 S.E.2d 320, 325 (Ct. App. 2002) ("The law to be charged is determined from the evidence presented at trial."); *State v. Smith*, 391 S.C. 408, 412, 706 S.E.2d 12, 14 (2011) ("If there is any evidence to warrant a jury instruction, a trial court must, upon request, give the instruction."); *State v. Dickman*, 341 S.C. 293, 295, 534 S.E.2d 268, 269 (2000) ("It is well-settled that a defendant may be convicted on a theory of accomplice liability pursuant to an indictment charging him only with the principal offense."); *Condrey*, 349 S.C. at 194, 562 S.E.2d at 324 ("Under the 'hand of one is the hand of all' theory, one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose."); *State v. Gibson*,

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

390 S.C. 347, 354, 701 S.E.2d 766, 770 (Ct. App. 2010) ("In order to establish the parties agreed to achieve an illegal purpose, thereby establishing presence by pre-arrangement, the State need not prove a formal expressed agreement, but rather can prove the same by circumstantial evidence and the conduct of the parties.").

**AFFIRMED.**

**LOCKEMY, C.J., and HUFF and THOMAS, JJ., concur.**