

The Supreme Court of South Carolina

Chad Stephen Hayes, Petitioner,

v.

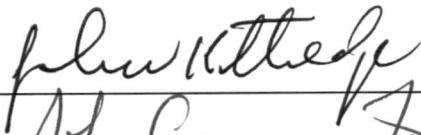
State of South Carolina, Respondent.

Appellate Case No. 2024-000515

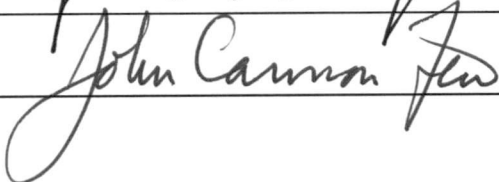
ORDER

Petitioner has filed a notice of appeal from the denial of his first application for post-conviction relief (PCR). However, neither a transcript nor an audio recording of the PCR hearing is available. Thus, Petitioner has filed a motion for an order to remand the case for a hearing to reconstruct the record of Petitioner's PCR hearing.

The motion is granted. We remand this matter to the Honorable George M. McFaddin, Jr., to reconstruct the record of the April 11, 2022 hearing on Petitioner's PCR application (Case No. 2017-CP-32-01247). *See Koon v. State*, 358 S.C. 359, 595 S.E.2d 456 (2004), *overruled on other grounds by State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005); *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); *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007). A hearing should be held within forty-five days of the date of this order. If Judge McFaddin determines reconstruction is not possible, he shall notify this Court and the parties within fifteen days of the reconstruction hearing. If the record is reconstructed, the parties shall notify this Court, and the matter will proceed upon Petitioner's receipt of the transcript from the reconstruction hearing.

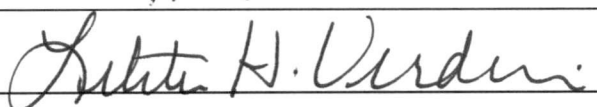


C.J.



J.



Han Lin J.


Lilita H. Verdini J.

Columbia, South Carolina
October 31, 2024

cc:
Donald J. Zelenka
Kathrine Haggard Hudgins
The Honorable George M. McFaddin, Jr.