

# The Supreme Court of South Carolina

Ronald Tyrone Downs, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2025-001171

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## ORDER

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This matter is before the Court by way of a notice of appeal from an order of the circuit court finding Petitioner is not entitled to a belated review of the order issued in Petitioner's first post-conviction relief (PCR) action pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Counsel for Petitioner states the record of Petitioner's first PCR hearing is not available. Accordingly, counsel asks this Court to hold this appeal in abeyance and remand the case to the circuit court for reconstruction of the record of the hearing. The State has not filed a return to the motion.

We hereby hold this appeal in abeyance and remand the matter to the Honorable Daniel D. Hall to reconstruct the record of the evidentiary hearing on Petitioner's first PCR application. *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); *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007). Counsel for Petitioner is ordered to contact counsel for Respondent and Judge Hall within ten days of the date of this order to schedule such hearings as Judge Hall deems appropriate. Counsel for Petitioner shall provide an update to the Clerk of this Court no later than fifteen days from the date of this order, and every fifteen days thereafter, with copies of the updates provided to counsel for Respondent. If Judge Hall determines reconstruction is not possible, he shall immediately notify this Court and the parties of that determination. If the record is reconstructed, counsel for Petitioner shall notify this Court, and the matter will proceed upon Petitioner's receipt of the transcript from the reconstruction hearing.

John Kittidge C.J.  
John Cannon Jew J.  
John Smith J.  
John L. J.  
Robert H. Verdine J.

Columbia, South Carolina  
November 19, 2025

cc:  
Kaylee Christene Kemp  
Wesley Chandler Norville  
The Honorable Daniel D. Hall  
The Honorable Jay Gresham