

# The South Carolina Court of Appeals

The State, Respondent,

v.

Hascale Simmons, Appellant.

Appellate Case No. 2011-189906

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## ORDER

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On April 11, 2011, Appellant filed a notice of appeal from his convictions for Accessory Before the Fact to Assault and Battery with Intent to Kill, Accessory Before the Fact to Murder, and Criminal Conspiracy. Appellant subsequently filed a motion to remand the case to the trial court to reconstruct the record of Appellant's trial transcript due to numerous missing portions of the transcript, and this Court granted the motion. On remand, counsel for Appellant and counsel for the State agreed on the record that the transcript could not be adequately reconstructed for an effective appeal. The trial court issued an order, agreeing that the record could not be reconstructed and recommending that this Court remand the case for a new trial. Accordingly, pursuant to the agreement of Appellant and the State, Appellant's convictions are vacated and this case is remanded to the circuit court.

C.J.  
 J.

A.J.

FILED  
12/9/13

Columbia, South Carolina

cc:

Robert Michael Dudek

Cary Nicholas Goings

Susan Barber Hackett

James R. Parks

The Honorable Carmen T. Mullen