

The South Carolina Court of Appeals

The State, Respondent,

v.

David Herbert Massie, Appellant.

Appellate Case No. 2025-000841

ORDER

On April 21, 2026, Appellant filed a motion to remand for record reconstruction. Appellant requests an order holding this appeal in abeyance and remanding this matter to the trial court with an order requiring the parties to reconstruct portions of Appellant's trial from April 14-16, 2025. On April 27, 2026, the State sent a letter expressing no objection to remanding for reconstruction and agreeing a remand would be appropriate under the circumstances. After careful consideration of the filings, we grant Appellant's motion. We hold this appeal in abeyance and remand to the circuit court for reconstruction of the missing portions of Appellant's trial, including the inaudible portions of the transcript, the timing of the jury's movements, and conclusion of the defense case, the charge conference, the closing arguments, the charge on the law, the verdict, and the sentencing.

Appellant's counsel shall contact opposing counsel and Judge G.D. Morgan within 10 days of the date of this order to schedule such hearings as Judge Morgan deems appropriate. If Judge Morgan determines reconstruction is not possible, he shall immediately notify this court and all parties. If the record is reconstructed, Appellant's counsel shall immediately notify this court so that the appropriate appellate timelines can be set. Appellant's counsel shall provide an update to the clerk of this court no later than 30 days from the date of this order, and every 30 days thereafter until Judge Morgan resolves this matter, or the appeal will be dismissed.

H B Wai

C.J.

FOR THE COURT

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire

Mark Reynolds Farthing, Esquire

Wesley Chandler Norville, Esquire

The Honorable G.D. Morgan

FILED
May 05 2026