



The South Carolina Court of Appeals

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December 30, 2013

The Honorable James R. Parks
1000 Assembly Street
Rembert Dennis Building, Suite 519
Columbia SC 29201

REMITTITUR

Re: The State v. Hascale Simmons
Lower Court Case No. 2010GS4700005
Appellate Case No. 2011-189906

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 is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Robert Michael Dudek, Esquire
Cary Nicholas Goings, Esquire
Susan Barber Hackett, Esquire

The South Carolina Court of Appeals

The State, Respondent,

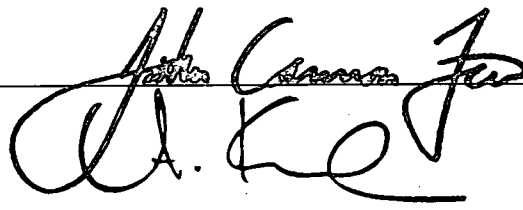
v.

Hascale Simmons, Appellant.

Appellate Case No. 2011-189906

ORDER

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