

# The Supreme Court of South Carolina

Milo Earl Tudor, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2013-001242

---

## ORDER

---

This matter is before the Court by way of a notice of appeal from an order of the circuit court finding petitioner is entitled to a belated review of his direct appeal issues pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). Petitioner now moves the Court to remand the case to the circuit court for reconstruction of the trial transcript. In the alternative, petitioner requests that the Court set aside his convictions and sentences and remand for a new trial. The State has filed a return in opposition to the request. Petitioner's motion is denied.

Review of the transcript of the trial record will only be necessary if this Court determines the circuit court was correct in finding petitioner is entitled to a belated review of his direct appeal issues. Accordingly, petitioner shall file a petition for a writ of certiorari addressing that issue. Rule 243(i)(1), SCACR. Petitioner is not required at this point to file a brief addressing his direct appeal issues. If this Court determines petitioner is entitled to a belated review of his direct appeal issues, petitioner's request to remand for reconstruction of the trial transcript, or in the alternative, for a new trial, will be reconsidered.

  
C.J.  
FOR THE COURT  
(Beatty, J., not participating)

Columbia, South Carolina

May 7, 2014

cc:

James Rutledge Johnson, Esquire

Kathrine Haggard Hudgins, Esquire