

# The South Carolina Court of Appeals

The State, Respondent,

v.

Travis Maurice Hurst, Appellant.

Appellate Case No. 2009-139166

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## ORDER

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In 2009, Appellant appealed his conviction of murder and sentence of thirty-nine years' imprisonment. After Appellant ordered the trial transcript, the court reporter informed Appellant that significant portions of the transcript were unable to be transcribed due to missing or inaudible recordings. Appellant then filed a motion to remand the case to the trial court to reconstruct the record, and this court granted Appellant's motion. On remand, Judge Nicholson held three hearings and, after the third hearing, Judge Nicholson filed an order finding that the record could not be reconstructed.

This court requested that the parties submit memoranda addressing how this court should proceed in light of Judge Nicholson's order. Both parties have responded to our request and agree that Appellant is entitled to a new trial.

Because Appellant has established the incomplete nature of the transcript prevents this court from engaging in a meaningful appellate review, Appellant's convictions are vacated and this case is remanded to the circuit court for a new trial. *See State v. Ladson*, 373 S.C. 320, 325, 644 S.E.2d 271, 274 (Ct. App. 2007) (reversing and remanding for a new trial when the reconstructed record lacked the completeness and reliability needed for a meaningful appellate review).

*John Cannon Jew* C.J.  
*Thomas E. Huff* J.  
*[Signature]* J.

Columbia, South Carolina

cc:  
Robert Michael Dudek, Esquire  
Donald J. Zelenka, Esquire  
Alan McCrory Wilson, Esquire

**FILED**  
11/20/14 *[Signature]*