

# The South Carolina Court of Appeals

The State, Respondent,

v.

Joe Ross Worley, Appellant.

Appellate Case No. 2014-001497

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## ORDER

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Appellant filed a notice of appeal from his convictions for assault and battery with intent to kill and possession of a weapon during the commission of a violent crime. Appellant asserts the trial court erred in denying his motion for immunity pursuant to the South Carolina Protection of Persons and Property Act. *See* S.C. Code Ann. § 16-11-450 (2015).

Previously Appellant filed a notice of appeal from the circuit court's denial of his motion for immunity. During the pendency of that appeal, the court reporter's tapes were stolen and only a partial transcript of the immunity hearing was available. This court remanded the case to the circuit court to reconstruct the record. After the circuit court held its reconstruction hearing, but before the circuit court issued its order, the South Carolina Supreme Court issued its decision in *State v. Isaac*, 405 S.C. 177, 747 S.E.2d 677 (2013), finding the denial of a motion for immunity is not immediately appealable. This court rescinded the remand and dismissed Appellant's appeal. Appellant was subsequently tried and convicted.

Appellant now files a motion to hold this appeal in abeyance and remand the case to the circuit court for a reconstruction of the record. The motion is granted and this case is remanded to the McCormick County Court of General Sessions. Counsel for Appellant is ordered to contact counsel for Respondent and the circuit court judge, the Honorable William P. Keesley, within fifteen days of this order to determine if any additional hearings are necessary and whether the transcript can be reconstructed. Counsel for Appellant shall provide an update to the clerk of this

court no later than thirty days from the date of this order, with a copy to counsel for Respondent.



FOR THE COURT

Columbia, South Carolina

**FILED**

June 17, 2016

cc: The Honorable William P. Keesley  
The Honorable Gwendolyn Dorn Chiles  
Alan McCrory Wilson, Esquire  
John Harrison Strom, Esquire  
John Benjamin Aplin, Esquire