

# The South Carolina Court of Appeals

The State, Respondent,

v.

Ivory Blackshire, Appellant.

Appellate Case No. 2015-000725

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## ORDER

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In April 2015, Appellant appealed his conviction for homicide by child abuse and sentence of thirty years' imprisonment. After Appellant ordered the trial transcript, the court reporter informed Appellant she was unable to produce the transcript because her recording equipment that contained the record was stolen from her vehicle. Appellant then petitioned this court for an order to reconstruct the record, and this court granted Appellant's motion. A reconstruction hearing was held in April 2016, and the circuit court's resulting order concluded the record could not be reconstructed adequately to permit meaningful appellate review.<sup>1</sup> Consequently, Appellant filed the current motion to vacate his conviction and sentence and remand for a new trial. The State consents to this relief.

Accordingly, because Appellant has established that the lack of a transcript prevents this court from engaging in a meaningful appellate review, Appellant's conviction is 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) (stating a new trial is appropriate if the appellant establishes the incomplete nature of the transcript prevents the appellate court from conducting a meaningful appellate review).

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<sup>1</sup> The circuit court noted the original case involved at least one pre-trial hearing, complex medical testimony, a serious charge, and a substantial sentence.

James Eschery C.J.  
H B Jett J.

Stephanie P. McDonald J.

Columbia, South Carolina

cc: Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire  
Susan Barber Hackett, Esquire  
The Honorable Doyet A. Early, III

**FILED**

June 15, 2016