

The South Carolina Court of Appeals

The State, Respondent,

v.

Phyllis Ann Lane, Appellant.

Appellate Case No. 2015-000708

ORDER

In March 2015, Appellant appealed her conviction for breach of trust with fraudulent intent and sentence of five years' imprisonment. After Appellant ordered the trial transcript, the court reporter informed Appellant she was unable to produce portions of the transcript due to "equipment failure." Appellant then petitioned this court for an order to reconstruct the record, and this court granted Appellant's motion. A reconstruction hearing was held, and the circuit court's resulting order concluded the record could not be reconstructed adequately to permit meaningful appellate review. Consequently, Appellant filed the current motion to vacate her 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 complete 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).

Thomas C. Hoff J.

U. K. J.

John D. Seaton J.

Columbia, South Carolina

cc:
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John Harrison Strom, Esquire

FILED
7/15/16 