

# The Supreme Court of South Carolina

Quincy McCants, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002142

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## ORDER

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This matter is before the Court by way of a notice of appeal from an order of the circuit court denying petitioner's application for post-conviction relief (PCR). However, counsel for petitioner has been informed the tapes of the evidentiary hearing in the matter are not available for transcription. Accordingly, petitioner asks this Court to remand the matter to the circuit court for reconstruction of the record of those proceedings, or in the alternative, for a new trial. The State opposes the motion.

We hereby hold this appeal in abeyance and remand the matter to the Lexington County Court of Common Pleas to reconstruct the record of the evidentiary hearing on petitioner's PCR application. *See Koon v. State*, 358 S.C. 359, 595 S.E.2d 456 (2004), *overruled on other grounds by State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005); *China v. Parrott*, 251 S.C. 329, 162 S.E.2d 276 (1968); *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007). Counsel for petitioner is ordered to contact counsel for respondent and the circuit court judge, the Honorable Edgar W. Dickson, within ten days of the date of this order to schedule such hearings as Judge Dickson deems appropriate. Counsel for petitioner shall provide an update to the Clerk of this Court no later than fifteen days from the date of this order, and every fifteen days thereafter, with copies of the updates provided to counsel for respondent. If Judge Dickson determines reconstruction is not possible, he shall immediately notify this Court and the parties of that determination. If the record is reconstructed, counsel for petitioner shall notify this Court and the matter will proceed upon petitioner's receipt of the transcript from the reconstruction hearing.



*[Signature]* C.J.  
*[Signature]* J.  
*[Signature]* J.  
*[Signature]* J.  
*[Signature]* J.

Columbia, South Carolina

December 1, 2016

cc:  
Patrick Lowell Schmeckpeper, Esquire  
Taylor Davis Gilliam, Esquire  
The Honorable Beth Carrigg  
The Honorable Edgar W. Dickson