

# The South Carolina Court of Appeals

The State, Respondent,

v,

Donald Lamon Young, Appellant.

Appellate Case No. 2014-002655

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## ORDER

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In December 2014, Appellant appealed his convictions of criminal sexual conduct and kidnapping and concurrent sentences of twenty-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 "theft as reported to court administration." Appellant then petitioned this court for an order remanding this case to reconstruct the record, and this court granted the 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 and the circuit court recommended this court remand for a new trial. Consequently, Appellant filed the current motion to remand for a new trial. The State filed a return, stating it "finds no basis on which to challenge the recommendation that this [c]ourt remand for a new trial."

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).

James C. [unclear] C.J.  
Paul E. Short, Jr. J.  
Ma-li J.

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire  
Susan Barber Hackett, Esquire  
John Benjamin Aplin, Esquire  
Paul B. Wickensimer  
The Honorable J. Mark Hayes, II

**FILED**

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