

The Supreme Court of South Carolina

Travis Ford, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001299

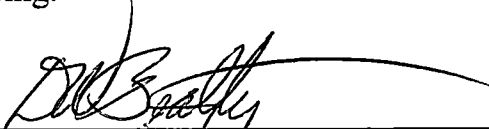
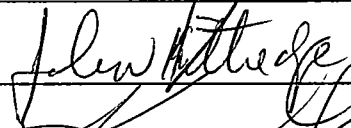
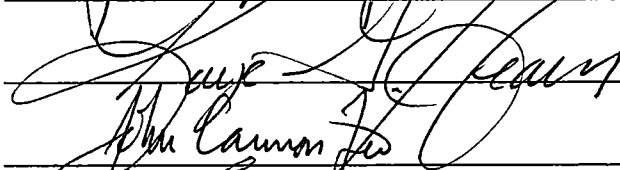
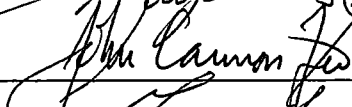

ORDER

This matter is before the Court by way of a notice of appeal from an order of the circuit court finding petitioner is entitled to a belated review of the denial of his first application for post-conviction relief (PCR) pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).¹ However, counsel for petitioner has been informed the tapes of the evidentiary hearing in the first PCR action are not available for transcription. Accordingly, petitioner asks this Court to remand the matter to the circuit court for reconstruction of the record of the hearing. The State has not filed a return to the motion.

We hereby hold this appeal in abeyance and remand the matter to the Charleston County Court of Common Pleas to reconstruct the record of the evidentiary hearing on petitioner's first 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 Deadra L. Jefferson, within ten days of the date of this order to schedule such hearings as Judge Jefferson 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 Jefferson determines

¹ Petitioner's remaining allegations were dismissed as successive and barred by the statute of limitations.

reconstruction is not possible, she 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.

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|  | C.J. |
|  | J. |
|  | J. |
|  | J. |
|  | J. |

Columbia, South Carolina

November 14, 2017

cc:

The Honorable Deadra L. Jefferson
Megan Harrigan Jameson, Esquire
Robert Michael Dudek, Esquire