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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

Division of Appellate Defense
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 12, 2018

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

JAN 12 2018

S.C. SUPREME COURT

Re: Travis Ford, Appellate Case No. 2017-001299

Dear Mr. Shearouse:

This is an update regarding the Order for a Reconstruction Hearing dated November 14, 2017 (copy attached) to be held in the above titled appeal. The first update letter in reference to this matter was sent out on November 16, 2017 (copy also attached). On January 2, 2018, Judge Jefferson submitted the date of January 29, 2018, as a time for the reconstruction hearing to be held. Presently, we are waiting for all parties to confirm availability on the proposed date. Another letter will be sent when the hearing date is finalized.

Thanking you in advance for your attention to this matter, I remain

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/smf

Enclosures

cc: Molly Hughes Cherry, Esquire
Judah VanSyckel, Esquire
The Honorable Deadra L Jefferson
Travis Ford #285740

The Supreme Court of South Carolina

Travis Ford, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001299

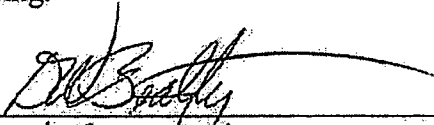
ORDER

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.

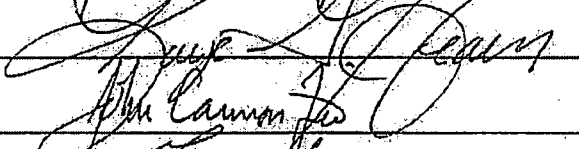
reconstruction is not possible, she shall immediately notify this Court and the parties of that determination. If the record is reconstructed, counsel for petitioner shall notify this Court and the matter will proceed upon petitioner's receipt of the transcript from the reconstruction hearing.



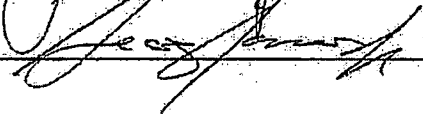
C.J.



J.



J.



J.

Columbia, South Carolina

November 14, 2017

cc:
The Honorable Deadra L. Jefferson
Megan Harrigan Jameson, Esquire
Robert Michael Dudek, Esquire *WHE*

RECEIVED
NOV 14 2017
APPELLATE DEFENSE



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

November 16, 2017

The Honorable Deadra L. Jefferson
S.C. Circuit Court
Charleston County Judicial Ctr.
100 Broad St., Ste. 336
Charleston, SC 29401

Re: Travis Ford, Appellate Case No. 2017-001299


Dear Judge Jefferson:

Attached is an Order dated November 14, 2017, from the South Carolina Supreme Court remanding the above titled case for a reconstruction PCR hearing to be held in your court on behalf of Petitioner Travis Ford. Petitioner was granted a belated PCR Austin appeal from which no transcript is available. The procedural history of the case is outlined in the reconstruction petition request filed in the case (a copy of which is enclosed), and enclosed also is a copy of the Order issued in the case. In addition, a copy of the original Order of Dismissal which you signed and filed is enclosed as well.

Please contact me at your earliest convenience as to any dates on which a reconstruction hearing could be heard based on upcoming scheduling openings.

Thanking you in advance for your attention to this matter, I remain

Sincerely,



Wanda H. Carter
Deputy Chief Appellate Defender

WHC/smf

Enclosures

cc: Molly Hughes-Cherry, Esquire
Judah VanSyekel, Esquire
Honorable Daniel E. Shearouse
Travis Ford #285740