

# The Supreme Court of South Carolina

Miguel Alejandro Urena, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-002311

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## ORDER

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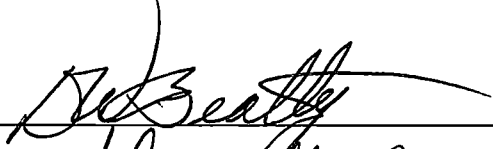



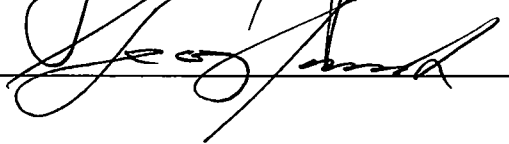
Counsel for petitioner moves for this appeal to be held in abeyance and the case to be remanded to the presiding judge to address the matter of the accuracy of the transcript of the evidentiary hearing and/or for reconstruction of the record of petitioner's testimony. Counsel's request is based on several portions of petitioner's testimony having been deemed inaudible by the transcribing court reporter. Counsel also requests Court Administration be directed to maintain the records in this case until the conclusion of the appeal or whatever period of time this Court deems suitable. The State has not filed a return to the motion.

We hereby hold this appeal in abeyance and remand the matter to the Honorable Robert E. Hood to hold a hearing to determine if the portions of the recording of the evidentiary hearing deemed inaudible by the transcribing court reporter can be discerned and agreed upon by the parties, and if not, for reconstruction of the record of petitioner's testimony.

Counsel for petitioner is ordered to contact counsel for respondent and Judge Hood within ten days of the date of this order to schedule such hearings as Judge Hood 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 Hood determines reconstruction of the record of petitioner's testimony is necessary but 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.

South Carolina Court Administration shall retain the records of the proceeding at issue until the conclusion of this appeal.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

April 17, 2018

cc:

The Honorable Robert E. Hood  
Tricia A. Blanchette, Esquire  
Ruston Wesley Neely, Esquire