

The Supreme Court of South Carolina

Christopher L. Hampton, Petitioner,

v.

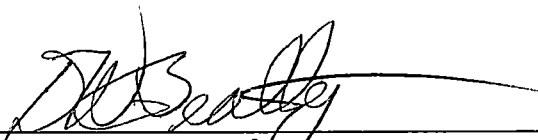
State of South Carolina, Respondent.


Appellate Case No. 2017-002374

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 order issued in petitioner's first post-conviction relief (PCR) action pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). However, counsel for petitioner states the record of petitioner's first PCR hearing is not available. Accordingly, counsel petitioner asks this Court to hold this appeal in abeyance and remand the case 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 Honorable Roger L. Couch 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 Judge Couch within ten days of the date of this order to schedule such hearings as Judge Couch 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 Couch 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.


_____ C.J.


_____ J.


_____ J.


_____ J.

Few, J., not participating

Columbia, South Carolina
August 02, 2018

cc:
Jordan Adraine Cox, Esquire
Wanda H. Carter, Esquire
M. Hope Blackley