



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

August 27, 2018

ORIGINAL

RECEIVED

AUG 27 2018

S.C. SUPREME COURT

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

Re: Christopher L. Hampton v. State  
Appellate Case No. 2017-002374

Dear Mr. Shearouse:

This letter addresses the issue of the PCR Reconstruction Hearing Order in the above titled appeal. The PCR judge who presided over Mr. Hampton's first PCR hearing, which must be reconstructed, has retired according to my understanding. See attached letter and Order submitted in this matter.

Please advise as to the proper judge who will now preside over the PCR Reconstruction Hearing in the above titled case.

Sincerely,

Wanda H. Carter  
Deputy Chief Appellate Defender

WHC/lis

Enclosure: Letter to Judge Couch dated August 9, 2018  
Order dated August 2, 2018

cc: Jordan Cox, Esquire  
Christopher L. Hampton #314697



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

August 9, 2018

The Honorable Roger L. Couch  
S.C. Circuit Court  
PO Box 2614  
Spartanburg, SC 29304

Re: Christopher L. Hampton v. State; Appellate Case No. 2017-002374

Dear Judge Couch:

Attached is an Order dated August 2, 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 Christopher L. Hampton. 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

Enclosure: Order dated August 2, 2018

cc: Honorable Daniel E. Shearouse  
Jordan Cox, Esquire  
William Jeffrey McGurk, Esquire  
Christopher L. Hampton #314697

# The Supreme Court of South Carolina

Christopher L. Hampton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-002374

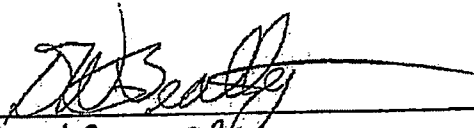
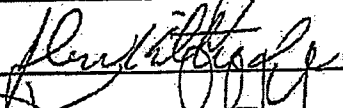
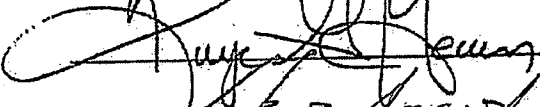
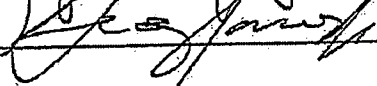
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## ORDER

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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.

  
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C.J.  
  
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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

RECEIVED  
AUG 02 2018  
APPELLATE DEFENSE