



The South Carolina Court of Appeals

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January 11, 2019

The Honorable Gwendolyn D. Chiles
133 S Mine St Suite 102
McCormick SC 29835-8357

REMITTITUR

Re: Catherine Lyons v. Gregory Lyons
Lower Court Case No. 2014CP3500010
Appellate Case No. 2016-002549

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Anne Marie Hempy, Esquire
Wm Thurmond Bishop, Esquire
Scarlet Bell Moore, Esquire
The Honorable Curtis G. Clark

The South Carolina Court of Appeals

Catherine Lyons, Appellant,

v.

Gregory Lyons, Maxine B. Parker, and Jeanette B.
Gilchrist, Defendants,

Of whom Gregory Lyons is the Respondent.

Appellate Case No. 2016-002549

ORDER

Appellant timely appealed a November 21, 2016 order. Because key portions of the transcript were unavailable, this court remanded the matter for a hearing regarding the reconstruction of the record. A reconstruction hearing was held, and the special referee's resulting order concluded the record could not be reconstructed adequately to permit meaningful appellate review. Consequently, both parties have filed memoranda requesting this court to remand this case to the court of common pleas for a new trial.

Accordingly, because Appellant has established the lack of a complete transcript prevents this court from engaging in a meaningful appellate review, the November 21, 2016 order is vacated and this case is remanded to the circuit court for a new trial. *See State v. Ladson*, 373 S.C. 320, 325, 644 S.E.2d 271, 274 (Ct. App. 2007) (stating a new trial is appropriate if the appellant establishes the incomplete nature of the transcript prevents the appellate court from conducting a meaningful appellate review).

Thomas C. Huff

J.

Paul E. Shatt, Jr.

J.

H B Jai

J.

Columbia, South Carolina

cc:

Anne Marie Hempy, Esquire
Wm Thurmond Bishop, Esquire
Scarlet Bell Moore, Esquire
The Honorable Curtis G. Clark

FILED

December 18, 2018