

# The South Carolina Court of Appeals

The State, Respondent,

v.

Michael Antwan Spann, Appellant.

Appellate Case No. 2015-002317

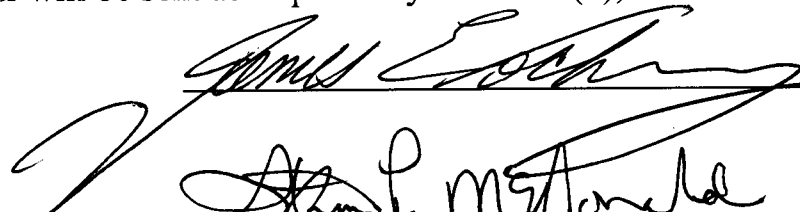
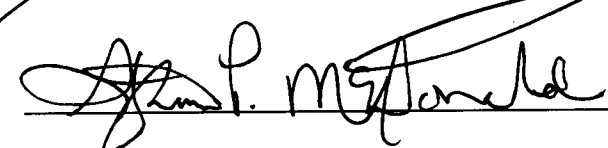

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## ORDER

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In November 2015, Appellant timely appealed his conviction and sentence. Appellant ordered the trial transcript; however, many portions were either inaudible or not transcribed. This court remanded the case to the circuit court, and a reconstruction hearing was held. The circuit court's resulting order concluded the record could not be reconstructed adequately to permit meaningful appellate review. Consequently, Appellant filed the current motion to vacate the conviction and sentence and remand for a new trial. The State consents to this relief.

Because Appellant has established that the lack of a complete transcript prevents this court from engaging in a meaningful appellate review, Appellant's conviction 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). The remittitur will be sent as required by Rule 221(b), SCACR.

  
\_\_\_\_\_ C.I.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.

**FILED**

February 6, 2019

Columbia, South Carolina

cc:

William Jason Corbett, Esquire

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire

Susan Barber Hackett, Esquire

John P. Meadors, Esquire

Ernest Adolphus Finney, III, Esquire

The Honorable George M. McFaddin, Jr.

The Honorable W. Jeffrey Young