

The South Carolina Court of Appeals

The State, Respondent,

v.

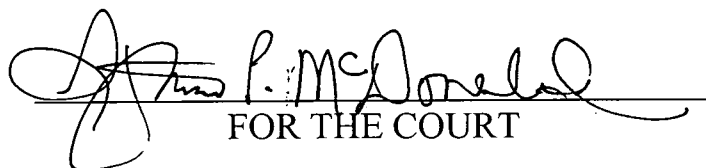
Michael Edward Chappell, Appellant.

Appellate Case No. 2018-001649

ORDER

Appellant has filed a motion to remand for a reconstruction hearing, requesting reconstruction of the trial record because the records were destroyed pursuant to Rule 607(i), SCACR. Appellant was tried in his absence and sentenced March 19, 2004; however, his sentences remained sealed until he was arrested and appeared before the circuit court in 2018.

This court notes that Appellant's willful decision to remain a fugitive from justice for fourteen years has presented an obstacle to orderly appellate review because the trial transcripts have been destroyed pursuant to Rule 607(i) and the circuit court judge has passed away. Accordingly, Appellant's motion to remand for reconstruction is denied. *See State v. Serrette*, 375 S.C. 650, 653, 654 S.E.2d 554, 555 (Ct. App. 2007) ("We can divine no reason why [the defendant] is entitled to a reconstruction of the record when the destruction of the transcript resulted from his willful decision to remain a fugitive."). Because Appellant's actions have "the kind of connection to the appellate process that [justifies] an appellate sanction of dismissal," this appeal is dismissed. *Id.* (holding the dismissal of a defendant's appeal is "an appropriate sanction because [the defendant's] willful decision to remain a fugitive from justice for nearly eleven years has present[ed] an obstacle to orderly appellate review"). The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:

Robert Cleland FitzSimons, Esquire

Robert Michael Dudek, Esquire

Randy E. Newman, Jr., Esquire

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire

FILED

April 10, 2019