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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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S.C. SUPREME COURT

July 19, 2019

The Honorable Daniel E. Shearouse  
Clerk of Court, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

Re: Moses Frasier v. State of South Carolina  
Appellate Case No. 2018-000739

Dear Mr. Shearouse:

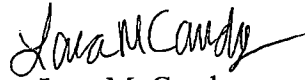
By Order dated September 21, 2018, this Court held this appeal in abeyance and remanded the matter to the circuit court to reconstruct the record of the evidentiary hearing held during Petitioner's first post-conviction relief action. Court Administration had advised the Division of Appellate Defense that the records to prepare a transcript of this hearing were no longer available since Court Administration strictly adheres to Rule 607, SCACR, which requires court reporter records be kept for five years.

After the case was remanded, the Honorable R. Markley Dennis, Jr. contacted Deborah Garrison, the court reporter who was present during Petitioner's first post-conviction relief hearing. Ms. Garrison, who is now retired, informed Judge Dennis that she was in possession of the audio recording of the hearing and graciously produced a transcript from her files.

The parties have agreed that the transcript produced by Deborah Garrison should be considered the record of petitioner's first post-conviction relief hearing for purposes of his appeal. Judge Dennis, Senior Assistant Deputy Attorney General Megan Jameson, who represents the state, and I have signed a consent order reflecting this agreement. Enclosed is a copy of this order. Since reconstruction of the record is no longer necessary, I would respectfully request this Court take this case out of abeyance. I have calendared the petition for writ of certiorari and accompanying appendix to be due thirty days from today's date. Please let me know if this is inaccurate.

If you have any questions concerning this matter or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lara M. Caudy", with a long, sweeping horizontal stroke extending to the right.

Lara M. Caudy  
Appellate Defender

Enclosure (Consent Order)

cc: The Honorable R. Markley Dennis, Jr. (without enclosure)  
Megan Harrigan Jameson, Esquire (with enclosure)  
Moses Frasier, #317940 (with enclosure)

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

MOSES FRASIER, )  
Petitioner, )

**CONSENT ORDER**

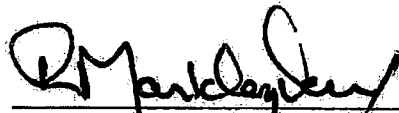
vs. )

STATE OF SOUTH CAROLINA, )  
Respondent. )

Lower Case No. 2016-CP-10-0359  
Appellate Case No. 2018-000739

This matter is before the Court by way of an order from the Supreme Court remanding the case for reconstruction of the record of petitioner's first post-conviction relief (PCR) hearing held on January 9, 2012. When petitioner requested the transcript from Court Administration in June 2018, he was told the records to prepare a transcript of the proceedings were no longer available because Court Administration strictly adheres to Rule 607, SCACR, which requires court reporter records be retained for five years. However, after the case was remanded, Deborah Garrison, the court reporter who was present at petitioner's hearing but who has since retired, produced a transcript from her audio recordings. The parties agree this transcript should be considered the record of petitioner's first PCR hearing for purposes of the appeal. Consequently, reconstruction of the record is not necessary.

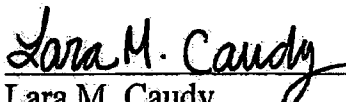
**AND IT IS SO ORDERED.**



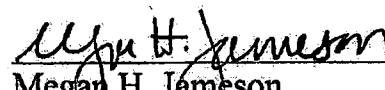
R. Markley Dennis, Jr.  
Ninth Judicial Circuit Court Judge

This 3<sup>rd</sup> day of June, 2019

I consent:

  
Lara M. Caudy  
Attorney for Petitioner

I consent:

  
Megan H. Jameson  
Attorney for Respondent