

# The Supreme Court of South Carolina

Jason Sinatra Edwards, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-001088

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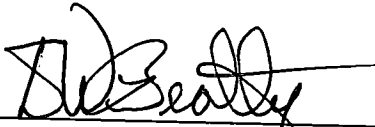
## ORDER

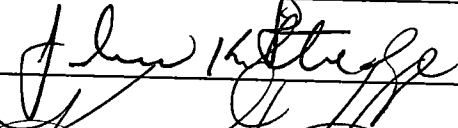
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Petitioner moves for this case to be remanded to the circuit court for a new post-conviction relief (PCR) hearing based on the impossibility of reconstructing a record of his first PCR hearing. The motion is denied.


We remand the case to the Sumter County Court of Common Pleas to hold a hearing to attempt to reconstruct the record of the evidentiary hearing on Petitioner's first PCR application. *See Koon v. State*, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004), *overruled on other grounds by State v. Gentry*, 363 S.C. 93, 106, 610 S.E.2d 494, 501 (2005); *China v. Parrott*, 251 S.C. 329, 335, 162 S.E.2d 276, 278 (1968); *State v. Ladson*, 373 S.C. 320, 324, 644 S.E.2d 271, 273 (Ct. App. 2007). We note that affidavits may be submitted by Petitioner's prior PCR counsel, prior counsel for the State, the prior PCR Judge, and the court reporter. *Adams v. H.R. Allen, Inc.*, 397 S.C. 652, 656, 762 S.E.2d 9, 12 (Ct. App. 2012). Appellate Defender Katherine Hudgins shall represent Petitioner at the reconstruction hearing.

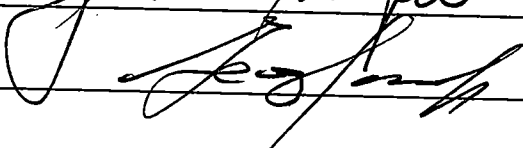
A hearing should be held within forty-five (45) days of the date of this order. If the circuit court judge determines reconstruction is not possible, the judge shall notify this Court and the parties within fifteen (15) days of the reconstruction hearing. If the record is reconstructed, the parties shall 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.

  
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J.

  
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J.

  
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J.

Columbia, South Carolina

February 12, 2020

cc:

Kathrine Haggard Hudgins, Esquire

Janell H. Gregory, Esquire

The Honorable James C. Campbell