

The Supreme Court of South Carolina

Artrell Hickson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-001262

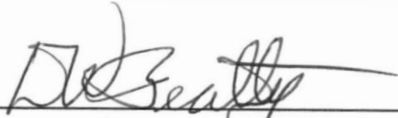
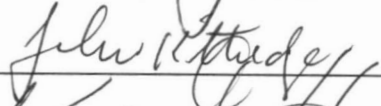


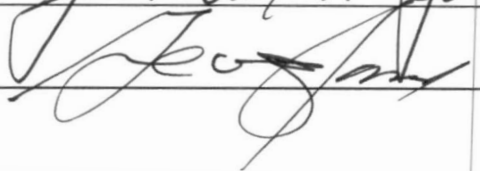
ORDER

Petitioner has filed a notice of appeal from an order of the circuit court granting him an *Austin*¹ review of the denial of his first application for post-conviction relief (PCR). However, counsel for Petitioner has advised the Court that the transcript from the hearing on Petitioner's first PCR application is no longer available. Accordingly, Petitioner has filed a motion for a new trial or, in the alternative, for an order to remand the case for a hearing to reconstruct the record of Petitioner's first PCR hearing. Respondent opposes the motion for a new trial but does not oppose a remand for reconstruction of Petitioner's first PCR hearing.

The motion for a new trial is denied. We remand this matter to the Honorable Edgar W. Dickson to reconstruct the record of the September 11, 2015 hearing on Petitioner's first PCR application (2013-CP-02-1153). See *Koon v. State*, 358 S.C. 359, 595 S.E.2d 456 (2004), *overruled on other grounds by State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005); *Whitehead v. State*, 352 S.C. 215, 574 S.E.2d 200 (2002); *China v. Parrott*, 251 S.C. 329, 162 S.E.2d 276 (1968); *State v. Ladson*, 373 S.C. 320, 644 S.E.2d 271 (Ct. App. 2007). A hearing should be held within 45 days of the date of this order. If Judge Dickson determines reconstruction is not possible, he shall notify this Court and the parties within 15 days of the reconstruction hearing. If the record is reconstructed, the parties shall notify this

¹ *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

Court, and the matter will proceed upon Petitioner's receipt of the transcript from the reconstruction hearing.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina
April 5, 2022

cc:
Megan Harrigan Jameson, Esquire
Lara Mary Caudy, Esquire
The Honorable Edgar W. Dickson