

The Supreme Court of South Carolina

Damyon Cotton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-001381

Lower Court Case No. 2021-CP-16-00559

ORDER

Petitioner has served and filed a notice of appeal from a form order dated September 12, 2022. This order indicates that a full written order is to follow, and directs the counsel for the State to prepare a proposed order.

Under Rule 243(a) of the South Carolina Appellate Court Rules (SCACR) and S.C. Code Ann. §17-27-100, only a final decision or judgment in a post-conviction relief case is subject to appellate review. *See Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006) (defining final decision or judgment). Since the form order being appealed is not the final decision or judgment in this matter, the notice of appeal is hereby dismissed without prejudice to petitioner's ability to timely serve and file a notice of appeal once a final decision or judgment is issued. The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

C.J.

Columbia, South Carolina
October 13, 2022

cc:

Steven Willard Fowler, Esquire

Robert Michael Dudek, Esquire

Chelsey Faith Marto, Esquire