

The Supreme Court of South Carolina

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November 29, 2022

The Honorable Alma Y. White
PO Box 479
Georgetown, SC 29442-0479

REMITTITUR

Re: Corey Lamont Rutledge v. State
Lower Court Case No. 2017CP2200210
Appellate Case No. 2022-001552

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CHIEF DEPUTY CLERK

cc: James Kristian Falk, Esquire
Robert Michael Dudek, Esquire

Alan McCrory Wilson, Esquire
Johnny Ellis James, Jr., Esquire
Corey Lamont Rutledge, 00246149

The Supreme Court of South Carolina

Corey Lamont Rutledge, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-001552

Lower Court Case No. 2017CP2200210


ORDER

Petitioner has filed a document that has been construed as a notice of appeal.

Since the public case index for Georgetown County shows that no final judgment or decision has been issued by the circuit court in this post-conviction relief case, the notice of appeal is premature. *Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006). Accordingly, the notice of appeal is dismissed without prejudice to petitioner's ability to timely serve and file a notice of appeal once a final judgment or decision is issued by the circuit court.

As to petitioner's concern about the delay in the resolution of this case, if it is appropriate to seek mandamus or other relief from this Court, that request must be made by petitioner's counsel. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Finally, this Court is confident the circuit court will promptly rule on petitioner's motion to relieve counsel and appoint new counsel which has been pending before the circuit court since May 5, 2022.


C.J.
FOR THE COURT

Columbia, South Carolina
November 9, 2022

cc: James Kristian Falk, Esquire
Johnny Ellis James, Jr., Esquire
Mr. Corey Lamont Rutledge, 00246149
The Honorable William H. Seals Jr.
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire

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