

# The Supreme Court of South Carolina

Kevin Smith, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2025-000168

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## ORDER

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Petitioner has served and filed a notice of appeal from a form 4 order dated January 8, 2025. This order indicates that a formal order is to follow.

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  
February 3, 2025

cc: D. Russell Barlow, II  
Kevin Smith, #164920