

The Supreme Court of South Carolina

Brenda Nesbitt, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002372

Lower Court Case No. 2011-CP-23-00547

ORDER

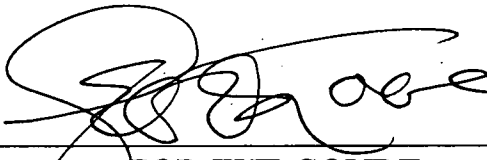
This is the third application for post-conviction relief that petitioner has filed regarding guilty pleas entered in 1997. After issuing a conditional order of dismissal dated March 23, 2011, the circuit court issued a final order of dismissal dated May 25, 2011.

Petitioner has now filed two notices of appeal with this Court.¹ The first, which is entitled "Reply Motion to Dismiss and Notice of Appeal," is dated March 29, 2011, and the second, which is entitled "Order Dismissing PCRA Should Not Be Made Final Notice of Appeal," is dated April 18, 2011.

At the time these notices of appeal were served and filed, there was no appealable decision in this matter. *See Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006) (since "only a final decision or judgment in a post-conviction relief action is subject to review" in a post-conviction relief case, a conditional order of dismissal is not an appealable order). Accordingly, these notices of appeal are dismissed without prejudice to whatever right petitioner may now have to timely serve and file a notice of appeal from the final order of dismissal. The remittitur will be sent

¹ These documents were apparently filed with the clerk of the circuit court but were not filed with this Court. A copy of these notices of appeal was not received by this Court until November 1, 2013.

as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT C.J.

Columbia, South Carolina
November 15, 2013

cc: Karen Christine Ratigan, Esquire
Ms. Brenda Nesbitt, # 139726