

The Supreme Court of South Carolina

Donald E. Robinson, Petitioner,

v.

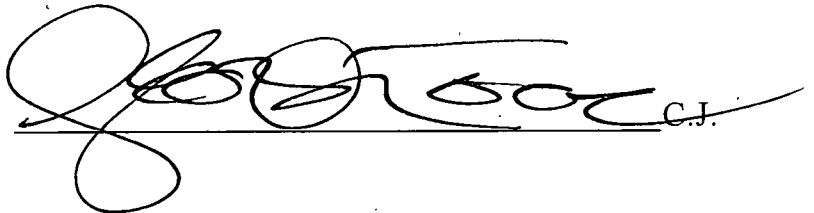
State of South Carolina, Respondent.

Appellate Case No. 2014-001515

ORDER

Petitioner filed a notice of appeal from a conditional order of dismissal which gave him twenty days from the date of the order to show why the order dismissing his fourth application for post-conviction relief should not become final. This Court issued an order dismissing the notice of appeal without prejudice because the conditional order of dismissal is not an appealable order.

Petitioner has now filed a petition for rehearing. It appears petitioner believes the notice of appeal was dismissed pursuant to Rule 243(c), SCACR, based on a finding by the Court that there is not an arguable basis for asserting the determination by the lower court was improper. He has therefore provided the equivalent of a Rule 243(c) explanation. However, the conditional order of dismissal is not appealable because it is not a final order of the circuit court in this matter. *See* Rule 243(a), SCACR (This Court will only review final decisions entered in post-conviction relief matters.). Once a final order of dismissal is issued, petitioner may file another notice of appeal.¹ We therefore deny the petition for rehearing.



C.J.

¹ We note that if the final order dismisses the application on the grounds that the application is successive and barred by the statute of limitations, and petitioner chooses to file a notice of appeal, the notice must be accompanied by the explanation required by Rule 243(c).

A. Davis J.
J. Beatty J.
Jim Kitzberg J.
Raymond J. Jean J.

Columbia, South Carolina

September 24, 2014

cc:
Megan E. Harrigan, Esquire
Donald E. Robinson, #237941