

# The Supreme Court of South Carolina

Barry J. Barnette, as Acting Solicitor for the Seventh  
Judicial Circuit, Respondent,

v.

Derrick L. Cheeks, Petitioner

Appellate Case No. 2015-000815

Lower Court Case No. 2011CP4200753

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APR 22 2015  
SC Court of Appeals

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## ORDER

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Petitioner seeks a writ of mandamus to compel the Clerk of the South Carolina Court of Appeals to file his notice of appeal.

The Court of Appeals has filed two notices of appeal in this matter.<sup>1</sup> This renders moot the only relief that has been requested in the petition for a writ of mandamus.

Further, to the extent that petitioner may be asking this Court to review the actions taken by the Clerk of the Court of Appeals once the notices of appeal were filed, we decline to do so. Instead, any issue of this nature is a matter for the Court of Appeals to consider in the first instance,<sup>2</sup> assuming the issue is timely and properly

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<sup>1</sup> These appeals are filed as Appellate Case Numbers 2014-002647 and 2015-000238. Since both appeals apparently involve the same order, it is unclear why two separate appeals have been opened.

<sup>2</sup> If, of course, petitioner is aggrieved by a final decision of the Court of Appeals, he may seek review as provided by Rule 242 of the South Carolina Appellate Court Rules.

raised to the Court of Appeals.

Accordingly, the petition for a writ of mandamus is denied.

  
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C.J.  
FOR THE COURT

Columbia, South Carolina  
April 22, 2015

cc: The Honorable Jenny Abbott Kitchings  
Derrick L. Cheeks, 343108  
Solicitor Barry Joe Barnette  
Robin Clark File, Esquire

**The Supreme Court of South Carolina**

DANIEL E SHEAROUSE, CLERK OF COURT

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