

The Supreme Court of South Carolina

Wayne David Bennett, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-212784

ORDER

In this post-conviction relief case, petitioner has filed a notice of appeal from an order dated July 31, 2012. This order denied a motion for discovery.

Under Rule 243(c), SCACR, and S.C. Code Ann. §17-27-100 (2003), only the final decision or judgment in a post-conviction relief case is subject to appellate review. *Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006). Since the order denying discovery is not the final decision or judgment in this case, it is not an appealable order.

Accordingly, the notice of appeal is hereby dismissed without prejudice. The remittitur will be sent as provided by Rule 221(b), SCACR.

In light of this dismissal, no action will be taken on the motion to be relieved as counsel.



C.J.
FOR THE COURT

Columbia, South Carolina
August 28, 2012

cc: William S. F. Freeman, Esquire
Karen Christine Ratigan, Esquire