

The Supreme Court of South Carolina

Russell Dawson, Petitioner,

v.

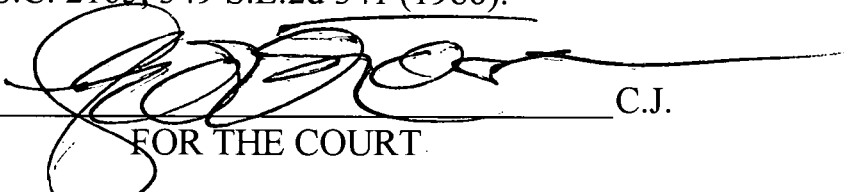
State of South Carolina, Respondent.

Appellate Case No. 2015-001741

ORDER

By order dated July 17, 2015 and filed July 23, 2015, the circuit court denied and dismissed petitioner's seventh application for post-conviction relief (PCR). On August 3, 2015, petitioner filed a motion in the circuit court to set aside the judgment. The motion is in the nature of a Rule 59(e), SCRCP, motion. The Darlington County Public Index indicates that motion is still pending. On August 17, 2015, petitioner served a notice of appeal from the order denying and dismissing his PCR application. Because there is a timely post-trial motion pending in the circuit court, the notice of appeal is premature. We therefore dismiss the notice of appeal without prejudice to petitioner's right to file a new notice of appeal upon receipt of written notice of entry of the order ruling on the motion. *See Hudson v. Hudson*, 290 S.C. 2165, 349 S.E.2d 341 (1986).




C.J.
FOR THE COURT

Columbia, South Carolina

September 21, 2015

cc:

The Honorable Paul M. Burch
Joshua L. Thomas, Esquire
Russell Dawson, #161707