

The Supreme Court of South Carolina

Carlos Gonzales, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-212607

ORDER

By order dated August 8, 2012, this matter was dismissed based upon petitioner's failure to show, pursuant to Rule 243(c), SCACR, an arguable basis for asserting the determination of the lower court was improper. Petitioner has filed a petition for rehearing. The State has filed a return to the petition. We grant the petition for rehearing and reinstate the appeal. However, because a Rule 59(e), SCRCP, motion is pending before the lower court, we dismiss the matter without prejudice pursuant to *Otten v. Otten*, 287 S.C. 166, 337 S.E.2d 207 (1985) and remand to the lower court for a ruling on the pending motion. The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT C.J.

Columbia, South Carolina

September 11, 2012

cc:

Megan Elizabeth Harrigan

Carlos Gonzales, 217075

James C. Campbell