

The Supreme Court of South Carolina

The State, Respondent,

v.

Robert Holland Koon, Appellant.

Appellate Case No. 2012-212913

ORDER

Petitioner has filed a notice of intent to appeal the denial of his motion to arrest sentence. We dismiss the notice of appeal for two reasons. First, appellant is seeking to appeal a letter from the circuit court returning appellant's motion to him without a ruling. An appeal may only be taken from a final judgment, appealable order or decision, none of which were issued with regard to appellant's motion. Accordingly, there is nothing from which appellant can appeal. Second, by order dated October 27, 2010, this Court prohibited appellant from filing any further collateral actions challenging his 1986 burglary convictions in the circuit court without first obtaining permission from this Court. While the motion appellant sought to file in the circuit court appeared on its face to be a challenge to the sentence imposed for his 1998 conviction, the underlying basis for the motion is a challenge to his 1986 convictions. We will not allow appellant to circumvent our order in that manner. Because appellant did not obtain permission from this Court to file the motion to arrest sentence, he was prohibited from filing the motion in the circuit court. For these same reasons, we also decline to instruct the Court of Appeals to process the notice of appeal appellant has attempted to file in that court.


FOR THE COURT

Columbia, South Carolina

September 20, 2012

cc:

Robert Koon, 00227826

Salley W. Elliott

The Honorable Jenny Kitchings