

The Supreme Court of South Carolina

Tony Cunningham, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000199

ORDER

By order dated February 8, 2016, the Clerk of Court dismissed the notice of appeal in this matter based on petitioner's failure to comply with the requirements of the South Carolina Appellate Court Rules.¹ Rule 260(a), SCACR. Petitioner has filed a petition for rehearing, which has been construed as a motion to reinstate the notice of appeal. *Id.* The motion is denied. Rule 203(d)(1)(B)(ii), SCACR; Rule 243(c), SCACR.



C.J.

FOR THE COURT

Columbia, South Carolina

February 24, 2016

cc:

Daniel Francis Gourley, II, Esquire
Tony Lamar Cunningham, #161005
The Honorable Sharon W. Staggers

¹ Specifically, petitioner failed to provide proof of service of the notice of appeal on opposing counsel, a copy of the order denying petitioner's Rule 59(e), SCRCR, motion, and an explanation as to why the circuit court's determination that the action was successive and untimely was improper. *See* Rule 243(b) and (c), SCACR; Rule 203(d)(1)(B)(i) and (ii), SCACR.