

The South Carolina Court of Appeals

The State, Respondent,

v.

Terrance Stewart, Appellant.

Appellate Case No. 2016-000729

ORDER

Terrance Stewart appeals the circuit court's denial of his motion to dismiss, arguing the prosecution against him violates double jeopardy. The State moved to dismiss Stewart's appeal, arguing the circuit court's order denying Stewart's motion to dismiss is not immediately appealable. We grant the motion. *See State v. Miller*, 289 S.C. 426, 426-27, 346 S.E.2d 705, 705-06 (1986) ("[A] criminal defendant may not appeal until sentence has been imposed."); *State v. Isaac*, 405 S.C. 177, 183, 747 S.E.2d 680, 681 (2013) (recognizing "the denial of a motion to dismiss a criminal case on the ground of double jeopardy . . . is not immediately appealable"). The remittitur will be sent as provided in Rule 221, SCACR.



FOR THE COURT

Columbia, South Carolina

FILED

cc:

Clarence Rauch Wise, Esquire
Alan McCrory Wilson, Esquire
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June 14, 2016