

The South Carolina Court of Appeals

The State, Respondent,

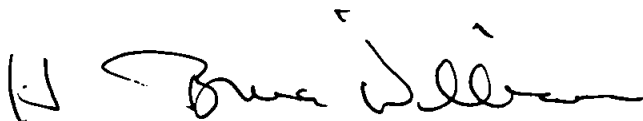
v.

Glynndeavin von Fox, Appellant.

Appellate Case No. 2016-000967

ORDER

Appellant has filed a notice of appeal from the circuit court's order for a competency to stand trial evaluation pursuant to *State v. Blair*¹ and section 44-23-410 of the South Carolina Code (Supp. 2015). After careful consideration, we dismiss this appeal because the underlying order is interlocutory and not immediately appealable. See *State v. Locklair*, 341 S.C. 352, 364, 535 S.E.2d 420, 426 (2000) ("In order to protect the legal process and preserve the integrity of the trial, a trial [court] has the authority to order a psychiatric evaluation of the defendant when his or her competency may be in question."); *State v. Dingle*, 279 S.C. 278, 282, 306 S.E.2d 223, 226 (1983) (holding the trial court's commitment of a defendant prior to trial to the South Carolina Department of Mental Health to determine competency to stand trial pursuant to section 44-23-410 of the South Carolina Code was interlocutory and not immediately appealable), *abrogated on other grounds*. The remittitur will be sent as provided in Rule 221 of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

FILED

¹ 275 S.C. 529, 273 S.E.2d 536 (1981).

June 17, 2016

cc:

Glynndeavin von Fox

John Benjamin Aplin, Esquire

Alan McCrory Wilson, Esquire