

The South Carolina Court of Appeals

The State, Respondent,

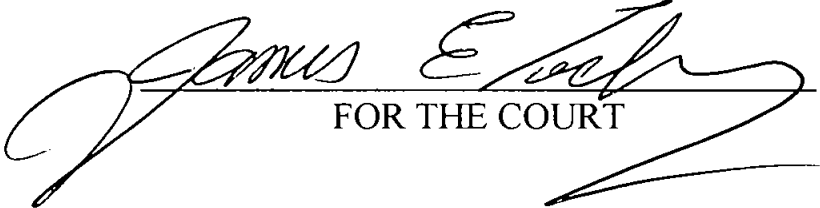
v.

Matthew Capley, Appellant.

Appellate Case No. 2016-001271

ORDER

After careful consideration of the underlying order and our supreme court's opinion in *State v. Rearick*, this appeal is dismissed because the underlying order is not immediately appealable. *State v. Rearick*, Op. No. 27654 (S.C. Sup. Ct. filed August 17, 2016) (Shearouse Adv. Sh. No. 33 at 13) (adhering to the ruling in *State v. Miller*, 289 S.C. 426, 346 S.E.2d 705 (1986), and dismissing the appellant's appeal from the denial of his motion to dismiss on double jeopardy grounds as interlocutory).


FOR THE COURT

Columbia, South Carolina

cc:
Carson McCurry Henderson, Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

FILED

September 14, 2016