

# The South Carolina Court of Appeals

The State, Respondent,

v.

Glynndeavin Von Fox, Appellant.

Appellate Case No. 2016-002520

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## ORDER

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Appellant has filed a new notice of appeal from the circuit court's "order concerning [Appellant's] competency to stand trial evaluation." This court previously dismissed Appellant's first appeal from the circuit court's order directing Appellant to submit to a competency to stand trial evaluation. Appellant has also now filed a "motion to stop" the circuit court's order. After careful consideration, the "motion to stop" is denied and this appeal is dismissed 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*; *State v. Hill*, 314 S.C. 330, 332, 444 S.E.2d 255, 256 (1994) (stating a writ of supersedeas is only available where there is an appealable order). The remitter will be sent as required by Rule 221, SCACR.



FOR THE COURT

Columbia, South Carolina

FILED

12/22/16

cc:

Glynndeavin von Fox

Charles William Patrick, III, Esquire

**FILED**

December 22, 2016