

The Supreme Court of South Carolina

John Bernard Robinson, Petitioner,

v.

State of South Carolina Respondent.

Appellate Case No. 2017-000766

Lower Court Case No. 2014CP1800406

ORDER

Based on the failure of the petitioner to provide this Court with a copy of the order on appeal,¹ the notice of appeal is dismissed without prejudice to petitioner's ability to timely serve and file a new notice of appeal once a final order is entered with the clerk of the circuit court. *See* Rule 203(b)(1), SCACR (in a circuit court case, the time to serve notice of appeal runs from receipt of written notice of entry of the order or judgment). The remittitur will be sent as provided by Rule 221 of the

¹ According to the public case index for Dorchester County, no final order has been entered with the clerk of the circuit court. Indeed, petitioner apparently recognizes this since he states in the notice of appeal that he is appealing a proposed order. *See Upchurch v. Upchurch*, 367 S.C. 16, 624 S.E.2d 643 (2006) ("An order is not final until it is entered by the clerk of court; and until the order or judgment is entered by the clerk of the court, the judge retains control of the case. [citation omitted]. However, "the moment ... [the order] is filed by the clerk of court, it becomes the judgment of the court, and fixes the rights of the parties." [citation omitted]. Stated otherwise, the effective date of an order is not when it is signed by the judge, but when it is entered by the clerk of court.").

South Carolina Appellate Court Rules.

FOR THE COURT

BY 
CLERK

Columbia, South Carolina
April 03, 2017

cc: Justin James Hunter, Esquire
Mr. Bernard Robinson