

The Supreme Court of South Carolina

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CLERK OF COURT

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April 24, 2017

Re: John B. Robinson v. State
Appellate Case No. 2017-000766
Lower Court Case No. 2014-CP-18-00406

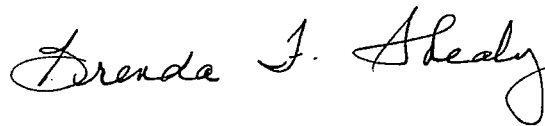
Dear Mr. Robinson:

This Court is in receipt of your inquiry dated April 11, 2017, regarding the dismissal of your notice of appeal in this case. You are correct that your notice of appeal was dismissed without prejudice because you did not provide a copy of the order from which you were appealing as required by Rules 203(d)(1)(B)(ii) and 243(b) of the South Carolina Appellate Court Rules (SCACR). The order further stated that you could file a new notice of appeal once a *final* order is *signed and filed* by the circuit court judge. Our review of the Dorchester County Public Index indicates a *conditional* order of dismissal was issued on July 2, 2014, and that you filed an objection to that order on August 1, 2014. However, there is no indication a *final* order has ever been issued and filed in the case. The order you have provided with your inquiry is not signed by the judge nor is there any indication it has been filed; therefore, it cannot be accepted as a final order required for an appeal.

Again, once you receive a final order that has been signed and filed, you may file a new notice of appeal. Any notice of appeal must be served on the respondent within thirty days after receipt of written notice of entry of the order and filed with the clerk of the circuit court and the clerk of this Court within ten days after the notice of appeal is served. Rules 203(b)(1) and (d)(1)(B) and 243(b), SCACR. If the post-conviction relief application is denied and dismissed on the basis it is

successive or untimely under the statute of limitations, you must also file an explanation as to why this determination was improper when you file the notice of appeal. Rule 243(c), SCACR. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. A failure to make a sufficient showing may result in the notice of appeal being dismissed.

Very truly yours,

A handwritten signature in cursive script that reads "Brenda J. Shealy". The signature is written in black ink and is centered on the page.

CHIEF DEPUTY CLERK

cc:

The Honorable Dianne Schafer Goodstein
SC Attorney Generals Office
Justin James Hunter, Esquire
John Bernard Robinson, 280311