

The Supreme Court of South Carolina

Thomas Ray Osborne, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001586

Lower Court Case No. 2014CP4204604

ORDER

On July 21, 2017, a notice of appeal was served in this case. At that time, no final order had been filed in the circuit court.¹

Since there was no appealable order at the time the notice of appeal was served, the notice of appeal is dismissed without prejudice to petitioner's ability to timely serve and file a notice of appeal from the final order in this case. *See Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006) (only a final judgment or decision is subject to appellate review in a post-conviction relief case; a conditional order of dismissal is not a final judgment). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



C.J.

FOR THE COURT

Columbia, South Carolina
August 29, 2017

cc: Melisa White Gay, Esquire
Valerie Garcia Giovanoli, Esquire

¹ While a conditional order of dismissal was filed on May 14, 2015, a final order of dismissal was not filed with the clerk of the circuit court until July 28, 2017. This Court has not received a notice of appeal from the final order.