

The South Carolina Court of Appeals

The State, Respondent,

v.

Calvin Eugene Whitener, Appellant.

Appellate Case No. 2017-002430

ORDER

Counsel for the appellant filed this appeal following the appellant's trial and conviction in absentia. Counsel avers in the notice of appeal that the sentence is still sealed.¹ Accordingly, this appeal is dismissed as premature. *See State v. Robinson*, 287 S.C. 173, 337 S.E.2d 204 (1985) (dismissing appeal for lack of final judgment where the sealed sentence had not been opened and read to the appellant). The remittitur will be sent as provided by Rule 221 of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Taylor Wilson Daniel, Esquire
Robert Michael Dudek, Esquire
Ricky Keith Harris, Esquire

FILED

Nov. 29, 2017

¹ Our review of the public index for Newberry County confirms the sentence remains sealed until the defendant is located.