

The Supreme Court of South Carolina

Keith Sims, Petitioner,

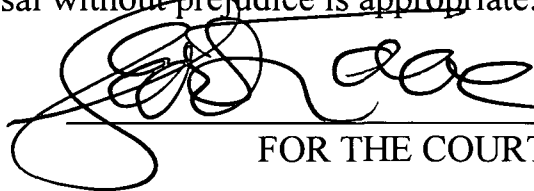
v.

State of South Carolina, Respondent.

Appellate Case No. 2012-213330

ORDER

This matter is before the Court by way of a notice of appeal from an order of the circuit court denying and dismissing petitioner's application for post-conviction relief. Petitioner has now filed a motion to dismiss the appeal *without* prejudice so that he can go forward with a motion in the lower court. This Court will dismiss an appeal *without* prejudice only in certain circumstances. *See e.g. Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986). Petitioner has failed to provide any information about the motion he seeks to pursue in the circuit court. Accordingly, we are unable to determine if a dismissal of this appeal *without* prejudice is appropriate. We therefore deny the motion. Petitioner may renew the motion and provide the Court with sufficient information regarding the motion in the circuit court to determine if a dismissal without prejudice is appropriate.



C.J.

FOR THE COURT

Columbia, South Carolina

February 13, 2013

cc:

Robert Daniel Corney
Robert Michael Dudek