

# The Supreme Court of South Carolina

Mikal D. Mahdi, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000183


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## ORDER

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The order of dismissal in this case was issued on December 28, 2012, and filed on January 3, 2013. On January 28, 2013, petitioner, who received written notice of entry of the order on January 7, 2013, filed a notice of appeal. The State has now filed a motion to stay the appeal and remand the case to the circuit court for a ruling on the State's Rule 59(e), SCRPC, motion. The State indicates it did not receive written notice of entry of the order of dismissal on January 30, 2013, and it served and filed a Rule 59(e), SCRPC, motion on February 8, 2013.

We hereby dismiss the notice of appeal filed by petitioner without prejudice to the rights of either or both parties to serve and file a notice of appeal following the issuance of an order disposing of the State's Rule 59(e), SCRPC, motion. *Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341 (1986); Rule 59(e), SCRPC.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

March 4, 2013

cc:

Teresa L. Norris, Esquire

J. Anthony Mabry, Esquire

Seth C. Farber, Esquire

Brandon W. Duke, Esquire