

# The Supreme Court of South Carolina

Michael Perry, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000625

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## ORDER

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Petitioner has filed a document which is entitled petition for a writ of certiorari. This document, which is dated March 18, 2013, and was received by this Court on March 20, 2013, has been construed as a notice of appeal.

The notice of appeal is dismissed for two reasons. First, petitioner has not provided a proof of service showing that the notice of appeal has been served on opposing counsel. This is required by Rule 203(d)(1)(B) of the South Carolina Appellate Court Rules.

Second, at the time the notice of appeal was prepared and filed with this Court, the only order that had been entered in this matter was a conditional order of dismissal. A conditional order of dismissal is not an appealable order. *Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006).

Accordingly, 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.<sup>1</sup> The remittitur will be sent as provided by Rule 221(b), SCACR.

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
March 18, 2013

cc: Tyson A. Johnson, Sr., Esquire  
Mr. Michael Perry, 00281249

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<sup>1</sup> According to the public case index for Chesterfield County a final order was entered in this matter on March 27, 2013.