

The Supreme Court of South Carolina

Jacquese Hyatt, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000094

ORDER

Petitioner has served and filed a notice of appeal from an "Order Denying PCR Application" filed on January 20, 2021. This order indicates: "Attorney General to prepare a formal order." Petitioner now moves to withdraw the notice of appeal without prejudice on the basis that the order issued by the post-conviction relief judge is not a formal, final order.

Under Rule 243(a) of the South Carolina Appellate Court Rules (SCACR) and S.C. Code Ann. §17-27-100, only a final decision or judgment in a post-conviction relief case is subject to appellate review. *See Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006) (defining final decision or judgment). Since the order being appealed states another act is to be done—the preparation of a formal order by the Attorney General—it is not the final decision or judgment in this matter, and the notice of appeal is hereby dismissed without prejudice to petitioner's ability to timely serve and file a notice of appeal once a final decision or judgment is issued. The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT C.J.

Columbia, South Carolina
February 10, 2021

cc:

William G. Yarborough, III, Esquire

Lillian Loch Meadows, Esquire