

# The Supreme Court of South Carolina

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April 13, 2021

The Honorable Melissa C. Burton  
PO Box 678  
Walhalla SC 29691-0678

## REMITTITUR

Re: Wilbur A. Rickmon v. The State of South Carolina  
Lower Court Case No. 2018CP3700323  
Appellate Case No. 2021-000298

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

DEPUTY CLERK

Enclosure

cc: Mr. Wilbur A. Rickmon, 123086  
Taylor Zane Smith, Esquire

# The Supreme Court of South Carolina

Wilbur A. Rickmon, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2021-000298

Lower Court Case No. 2018CP3700323

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## ORDER

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This is a post-conviction relief case. On March 6, 2020, the circuit court issued an order quashing several subpoenas issued on behalf of the petitioner, authorizing petitioner to engage in certain specified discovery, and requiring petitioner to file an amended application for post-conviction relief. This order was filed with the clerk of the circuit court on March 9, 2020.

Petitioner has filed documents with this Court which have been construed as a notice of appeal. This notice of appeal is dismissed for several reasons.


First, petitioner has failed to file a proof of service showing a copy of the notice of appeal has been served on the opposing counsel as required by Rules 243(b) and 203(d)(1)(B)(i) of the South Carolina Appellate Court Rules (SCACR).

Second, the notice of appeal is untimely on its face, and petitioner has failed to provide information to establish its timeliness. Rule 203(e)(1)(C), SCACR ("if appropriate for the determination of the timeliness of the appeal, a statement of when the appealing party received notice of the order or judgment from which the appeal is taken").

Finally, and most importantly, under Rule 243(a), 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. The order of March 6, 2020, is not the final decision

or judgement in this post-conviction relief case. *Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006) (defining final decision or judgment).

Accordingly, the notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221, SCACR.

  
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FOR THE COURT C.J.

Columbia, South Carolina  
March 24, 2021

cc: Mr. Wilbur A. Rickmon  
Office of the Attorney General