

The Supreme Court of South Carolina

Brian Mansfield, Petitioner,

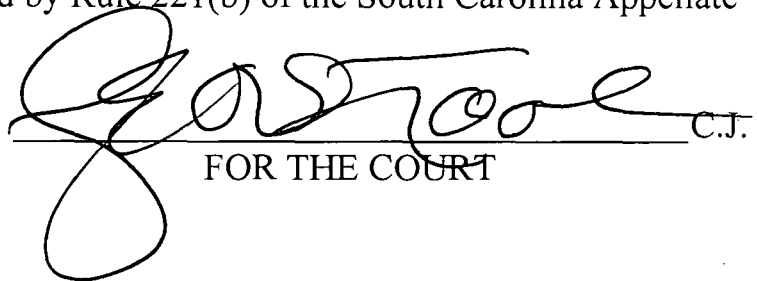
v.

State of South Carolina, Respondent.

Appellate Case No. 2012-212160

ORDER

Petitioner has filed a notice of appeal from a conditional order of dismissal. The notice of appeal is hereby dismissed without prejudice because the order is not an appealable order. *Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.¹

 C.J.
FOR THE COURT

Columbia, South Carolina
June 11, 2012

cc: Robert Daniel Corney, Esquire
Brian W. Mansfield, #249124

¹ In the cover letter accompanying the notice of appeal, petitioner indicates that he waives any right to file a response to the conditional order of dismissal. Petitioner's attention is invited to the case of *Edith v. State*, 369 S.C. 408, 632 S.E.2d 844 (2006) ("This Court has previously held that the issuance of a default judgment based on the failure of a party to file a response pleading or to appear is not appealable. [citations omitted]. We see no reason why this same rule should not be equally applicable to a PCR applicant who fails to avail himself of the opportunity to reply to a conditional order of dismissal and, as a result of this default, a final order of dismissal is issued.").