

# The Supreme Court of South Carolina

Barney B. Wilson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000646

Lower Court Case No. 2019CP2200424


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## ORDER

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By order dated April 20, 2021, the post-conviction relief judge construed a document that petitioner filed as being a timely response to the conditional order of dismissal. This appeal is from an order denying a motion to reconsider this April 20, 2021, order.

Since no final order or decision has been filed in this case, the notice of appeal is dismissed. This dismissal is without prejudice to petitioner's ability to timely serve and file a notice of appeal once a final order or decision is filed in the circuit court. *See Lewis v. State*, 368 S.C. 630, 630 S.E.2d 464 (2006) ("Under Rule [243], SCACR, and S.C. Code Ann. § 17-27-100 [2014], only a final decision or judgment in a post-conviction relief action is subject to review. " . . . [A] conditional order of dismissal is not the final judgment in a post-conviction relief case since there is another act to be done before the rights of the parties are finally determined-the issuance of an order following the filing of a reply or the issuance of an order based on the default in filing a reply.").

  
C.J.  
FOR THE COURT

Columbia, South Carolina

June 30, 2021

cc: William Harold Ray, Esquire  
Mr. Barney B Wilson, 307418