

The South Carolina Court of Appeals

The State, Respondent,

v.

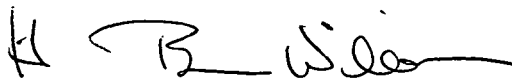
Fredrick Scott Pfeiffer, Appellant.

Appellate Case No. 2013-000068

ORDER

Appellant appeals the circuit court's order, which denied his motion to reconsider an order denying his motion to disqualify the Attorney General's Office. Respondent filed a motion to dismiss, arguing the order is not immediately appealable. Appellant filed a return, arguing the order is immediately appealable pursuant to section 14-3-330(2) of the South Carolina Code (1976) because it affects a substantial right.

After careful consideration, Respondent's motion to dismiss is granted because the underlying order is not immediately appealable. *See State v. Wilson*, 387 S.C. 597, 603, 693 S.E.2d 923, 926 (2010) ("[A] defendant may not appeal until after he is convicted and sentenced."); *id.* at 603 n.3, 693 S.E.2d at 926 n.3 ("The *denial* of a disqualification motion is not directly appealable as the ruling does not affect the merits or a party's substantial rights, nor does it effectively determine the action, and any error in the failure to grant the motion is more amenable to correction through the remedy of a new trial.").



J.

FOR THE COURT

Columbia, South Carolina

cc: Ralph Gleaton
Robert Michael Dudek
S. Creighton Waters
Salley W. Elliott

FILED
April 11, 2013