

# The Supreme Court of South Carolina

Allen Livingston, Respondent,

v.

Harold Simmons, Petitioner.

Appellate Case No. 2022-001375

**RECEIVED**

**Oct 11 2022**

**SC Court of Appeals**

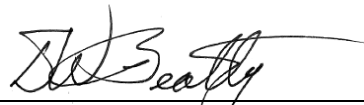
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## ORDER

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The South Carolina Court of Appeals issued an opinion in this matter on August 17, 2022. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on September 2, 2022. Petitioner has now filed a petition for writ of certiorari seeking review of the decision of the Court of Appeals' decision.

Because Petitioner failed to file a petition for rehearing and the remittitur has now been sent pursuant to Rule 221 of the South Carolina Appellate Court Rules (SCACR), Petitioner's petition for a writ of certiorari is stricken and dismissed. *See* Rule 242(a), SCACR (providing this Court will only review a final decision of the Court of Appeals); Rule 242(c), SCACR (providing a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals); *Stogsdill v. S.C. Dep't of Health & Human Servs.*, 415 S.C. 568, 784 S.E.2d 669 (2016) (stating the sending of the remittitur ends appellate jurisdiction over a case).



C.J.

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FOR THE COURT

Columbia, South Carolina  
October 11, 2022

cc:

Harold Simmons, Jr.

Allen Livingston

The Honorable Jenny A. Kitchings