

# The Supreme Court of South Carolina

Allen Livingston, Respondent,

v.

Harold Simmons, Petitioner.

Appellate Case No. 2022-001375

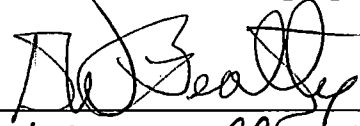
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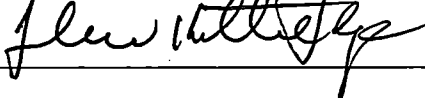
## ORDER

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By order dated October 11, 2022, this Court struck Petitioner's petition for a writ of certiorari to the court of appeals and dismissed this matter because Petitioner failed to file a petition for rehearing with the court of appeals and the remittitur was properly sent pursuant to Rule 221, SCACR. *See Stogsdill v. S.C. Dep't of Health & Human Servs.*, 415 S.C. 568, 569, 784 S.E.2d 669, 670 (2016) (holding the sending of the remittitur ends appellate jurisdiction over a case).

Petitioner now asks the Court to reinstate the matter.<sup>1</sup> Because the remittitur was properly sent, the appellate courts no longer have jurisdiction over the matter. *See Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007). Accordingly, we deny the motion to reinstate because this Court does not have jurisdiction over the matter and the order of dismissal was proper.

  
\_\_\_\_\_  
C.J.

  
\_\_\_\_\_  
J.

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<sup>1</sup> Petitioner cites the South Carolina Rules of Civil Procedure (SCRCP) in support of his motion to reinstate. However, the SCRCP are not applicable on appeal. *See* Rule 81, SCRCP (providing the rules "shall apply to every *trial court* of civil jurisdiction within this state" (emphasis added)).

*Wayne L. Hagan* J.  
*John Cannon* J.  
*Ken Jones* J.

Columbia, South Carolina  
November 17, 2022

cc:  
Harold Simmons, Jr.  
Allen Livingston