

# The Supreme Court of South Carolina

Glen K. LaConey, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-001586

Lower Court Case No. 2015CP4003441

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## ORDER

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The South Carolina Court of Appeals denied the petition for a writ of certiorari in this post-conviction relief (PCR) case.<sup>1</sup> Petitioner has now filed a *pro se* notice of appeal seeking review of the decision of the Court of Appeals. This notice of appeal has been construed as a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR).

Under Rule 242(a), SCACR, this Court will only review a final decision of the Court of Appeals, and 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. Rule 242(c), SCACR. Since no petition for rehearing has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

Further, when no timely petition for rehearing was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).<sup>2</sup>

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2019-000658.

<sup>2</sup> The remittitur was sent on July 18, 2022. On October 26, 2022, the Court of Appeals received a *pro se* petition for rehearing. The Court of Appeals properly rejected this untimely petition because the sending of the remittitur had ended appellate jurisdiction. *Id.*

Finally, in *Ellison v. State*, 382 S.C. 189, 676 S.E.2d 671 (2009), this Court determined that it will no longer entertain petitions for writs of certiorari where the Court of Appeals has denied a petition for a writ of certiorari in a PCR case.

Accordingly, the petition for a writ of certiorari is dismissed.

  
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FOR THE COURT C.J.

Columbia, South Carolina  
November 21, 2022

cc: Susan Barber Hackett, Esquire  
Alan McCrory Wilson, Esquire  
D. Russell Barlow, II, Esquire  
Mr. Glen K. LaConey