

The Supreme Court of South Carolina

Earnest E. Vaughn, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-001726

ORDER

By order dated November 21, 2022, the South Carolina Court of Appeals denied the petition for writ of certiorari in this post-conviction relief case (PCR). When no petition for rehearing was received, the Court of Appeals sent the remittitur on December 7, 2022.¹

Petitioner has now filed a document dated December 8, 2022, which has been construed as petition for a writ of certiorari seeking review of the decision of the South Carolina Court of Appeals in this matter. He requests that this matter be held in abeyance and that counsel be appointed to represent him.

Under Rule 242(a) of the South Carolina Appellate Court Rules (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 by the Court of Appeals in this matter, there is no final decision for this Court to review.

Further, when no 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).

¹ Before the Court of Appeals, the Appellate Case Number was 2020-000750.

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. The requests to hold this matter in abeyance and to appoint counsel are denied as moot.

A handwritten signature in black ink, appearing to read "W. Beatty", is written over a horizontal line. The signature is stylized and cursive.

C.J.

FOR THE COURT

Columbia, South Carolina
December 20, 2021

cc: Zachary William Jones, Esquire
Mr. Earnest Vaughn, #246912
The Honorable Jenny Abbott Kitchings