

# The Supreme Court of South Carolina

In the Matter of the Care and Treatment of James C.  
Whaley,

Of Whom James C. Whaley is the Petitioner, and,

The State of South Carolina is the Respondent.

Appellate Case No. 2022-001692

Lower Court Case No. 2020CP0201640

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## ORDER

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By order dated November 22, 2022, the South Carolina Court of Appeals dismissed the appeal in this matter.<sup>1</sup> Petitioner has now filed a document which has been construed as a petition for a writ of certiorari to review the decision of the Court of Appeals. He also asks this Court to appoint counsel.

Because Petitioner failed to file a petition for rehearing or reinstatement from the Court of Appeals' order of dismissal and because 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).

The motion to appoint counsel is denied as moot.

  
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FOR THE COURT C.J.

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number is 2022-001550.

Columbia, South Carolina  
January 24, 2023

cc: Deborah R.J. Shupe, Esquire  
Mr. James Carl Whaley  
The Honorable Jenny Abbott Kitchings