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STATE OF SOUTH CAROLINA  
In the Supreme Court

S.C. SUPREME COURT,

—  
Appeal from ADMINSTRATIVE LAW COURT and  
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Judge Philip Lenski

—  
Sup. Ct. Case No. 2023-000450  
Ct. App. Case: 2022-001640

—  
Robert Wazney, Petitioner  
v.  
S.C. Dept. of Corr., Respondent.

—  
PETITION FOR REHEARING  
—

COMES NOW, ROBERT WAZNEY, Appellant, who after being duly sworn deposes and states:

I, Robert Wazney, Petitioner, moves that the judgment of this Court should be reversed, and that the judgment should be amended to provide for Certiorari on the merits of Petitioners claim where for the following reason:

Petitioner filed PETITION FOR REHEARING (PFR) January 22, 2023 concerning Court of Appeals 'letters' dated January 12, 2023 and December 29, 2022 (Letters). Court of Appeals made a ruling on the PFR and Remitted the case based on Letters to the lower court. Petition for rehearing was filed, and adverse decision--final decision--was made by Court of Appeals.

Rule 242(a) SCACR provides (this Court will only review a final decision of the Court of Appeals), and Rule 242(c) SCACR provides (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)., and Stogsdill v. SC Dept. of Health & Human Servs., 415 SC 568, 784 SE2d 669 (2016)(stating the sending of the remittitur ends appellate jurisdiction over a case).

Petition for Rehearing was filed with Court of Appeals, final decision was made, and remittitur was sent.

Petitioner filed a petition for writ of certioari pursuant Rule 221 SCACR, but this Court dismissed and striken its filing because it believes Petitioner failed to file a petition for rehearing, where the truth is precisely the opposite; S.C. Supreme Court is mistaken.

#### CONCLUSION

The circumstances here do not warrant deviation from the certioari procedure and the equities of the case require reversal and reformation of Court's Order. With good cause shown, this Court should reverse it's Order, provide certioarai, and any other relief this Court deems just and equitable.