

The Supreme Court of South Carolina

Charles W. McCormick, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-001564

ORDER

Petitioner previously filed a notice of appeal from a conditional order of dismissal of his second application for post-conviction relief (PCR). The notice of appeal was dismissed without prejudice because the order was not an appealable order. *McCormick v. State*, S.C. Sup. Ct. Order dated Feb. 13, 2024. Petitioner has filed a document we have construed as a request for rehearing of that order. After careful consideration of the request, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded. Therefore, the petition for rehearing is denied. *See* Rule 221(a), SCACR (requiring a petition for rehearing to state with particularity the points supposed to have been overlooked or misapprehended by the Court).

Petitioner has also filed a "motion to appeal" and a "petition for a writ of certiorari," which we have construed as a notice of appeal from the final order of dismissal and the explanation required by Rule 243(c), SCACR. Petitioner has failed to show that there is an arguable basis for asserting the dismissal of his second PCR application was improper. Therefore, we dismiss the notice of appeal pursuant to Rule 243(c), SCACR. The remittitur will be sent as provided by Rule 221(b), SCACR. Further, Petitioner's motion for a ninety-day extension and funds to pursue a petition for a writ of certiorari is denied as moot.

W. Beatty C.J.
John K. ... J.
John Cannon J.
John ... J.
D. ... J.

Columbia, South Carolina
June 20, 2024

cc:
Mark Reynolds Farthing
Charles W. McCormick, # 326467