

# The Supreme Court of South Carolina

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August 13, 2024

The Honorable Jerri Ann Roseneau  
PO Box 1128  
Beaufort, SC 29901-1128

## REMITTITUR

Re: Charles W. McCormick v. State  
Lower Court Case No. 2022CP0700474  
Appellate Case No. 2024-000186

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CHIEF DEPUTY CLERK

cc: Danielle Dixon  
Charles W. McCormick, # 326467

# The Supreme Court of South Carolina

Charles W. McCormick, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-001564

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## ORDER

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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. Farthing* J.

Columbia, South Carolina  
June 20, 2024

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

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# The Supreme Court of South Carolina

Charles W. McCormick, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2024-000186

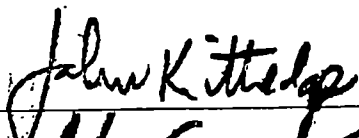
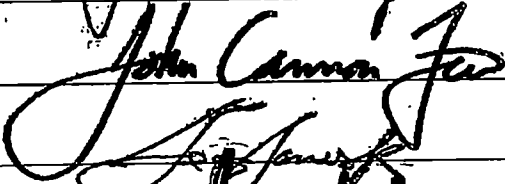


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ORDER

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Petitioner previously filed a notice of appeal from the final order of dismissal of his second application for post-conviction relief (PCR). The notice of appeal was dismissed because Petitioner failed to show that there was an arguable basis for asserting the dismissal was improper under Rule 243(c), SCACR.

Petitioner has filed a "petition for a writ of certiorari," which we have construed as a petition for rehearing of the order dismissing his notice of appeal. After careful consideration of the petition for rehearing, 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).

|  |      |
|--|------|
|  | C.J. |
|  | J.   |
|  | J.   |
|  | J.   |

Verdin, J., not participating

Columbia, South Carolina  
August 13, 2024

cc:

Danielle Dixon

Charles W. McCormick, # 326467

**The Supreme Court of South Carolina**

PATRICIA A. HOWARD, CLERK OF COURT

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