

The Supreme Court of South Carolina

T. Terrell Bryan, 254638, Petitioner,

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SC Court of Appeals

South Carolina Department of Corrections, Respondent.

Case No. 2013-001730

Court/Tribunal No. 2013ALJ04017AP

2013-000760
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(12)

ORDER

By order dated June 21, 2013, the South Carolina Court of Appeals denied petitioner's motion to proceed *in forma pauperis* and he was directed to pay the filing fee required by Rule 203 of the South Carolina Appellate Court Rules (SCACR) within fifteen days. On July 18, 2013, the appeal was dismissed based on petitioner's failure to pay the filing fee. Although a document entitled "motion for reconsideration/reinstatement" was received by the Court of Appeals on July 26, 2013, it does not appear that any ruling was made on this motion. The Court of Appeals sent the remittitur to the circuit court on August 16, 2013.¹

Petitioner has filed a petition for a writ of certiorari with this Court. The petition is dismissed for three reasons.

First, petitioner has not filed an appendix that complies with Rule 242(e), SCACR.

Second, 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 or reinstatement regarding the order of dismissal has been ruled on by the Court of Appeals, there is no final decision for this Court to review.

¹ The Appellate Case Number before the Court of Appeals was 2013-000760.

Third, the Court of Appeals has sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case, and the petition for a writ of certiorari cannot be considered by this Court. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007). If, of course, petitioner believes that the Court of Appeals or its staff erred in sending the remittitur, then that is a matter that he will have to raise to the Court of Appeals by a timely motion to recall the remittitur. *Id.*

 C.J.
FOR THE COURT

Columbia, South Carolina
September 6, 2013

cc: Mr. Terence Terrell Bryan, 00254638-
Shanika Kenyetta Johnson, Esquire
The Honorable Jenny Abbott Kitchings
The Honorable Jana E. Shealy