

# The Supreme Court of South Carolina

Korell Battle, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2012-212292

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## ORDER

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The appeal in this matter was dismissed by the South Carolina Court of Appeals.<sup>1</sup> Thereafter, the Court of Appeals denied reinstatement by order dated May 17, 2012. Petitioner has now filed a document entitled "petition for review" seeking review of the decision of the Court of Appeals.

Decisions of the Court of Appeals are reviewed by serving and filing a petition for a writ of certiorari and appendix, and the content of these documents is specified by Rule 242 of the South Carolina Appellate Court Rules (SCACR). Petitioner's petition for review fails to have the content required for a petition for a writ of certiorari under Rule 242(d), and he has failed to file an appendix containing the documents required by Rule 242(e).

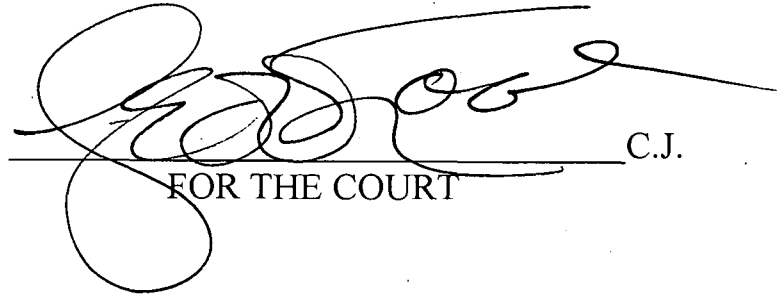
Further, the Court of Appeals sent the remittitur on June 20, 2012. The sending of the remittitur ended appellate jurisdiction, and therefore, no action can be taken on the petition for review even if it could be construed as being the equivalent of a petition for a writ of certiorari. *Wise v. South Carolina Department of Corrections*, 372 S.C. 173, 642 S.E.2d 551 (2007).<sup>2</sup>

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<sup>1</sup> The Court of Appeals Appellate Case No. is 2012-207527 and the lower court case number is 2010-CP-18-02013.

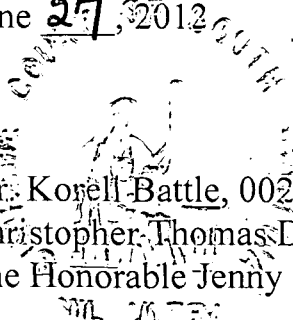
<sup>2</sup> If, of course, petitioner believes that the remittitur was sent down by error on the part of the Court of Appeals or its staff, he may wish to make a motion to the Court of Appeals to recall the remittitur. *Wise, supra*. It is noted that there is nothing to

Accordingly, the petition for review is dismissed.

  
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FOR THE COURT C.J.

Columbia, South Carolina

June 27, 2012

cc:   
Mr. Korell Battle, 00292294  
Christopher Thomas Dorsel, Esquire  
The Honorable Jenny Abbott Kitchings  
JUL 16 2012

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indicate that petitioner served a copy of the petition for review on the Court of Appeals. Therefore, the Court of Appeals may not have been aware that petitioner was seeking any review when the remittitur was sent. *See* Rule 242(c), SCACR (a copy of the petition for a writ of certiorari must be served on the Court of Appeals).