

The Supreme Court of South Carolina

Herbert A. Robinson, Petitioner

v.

Sheriff Al Cannon, Respondent.

Appellate Case No. 2013-002043

Lower Court Case No. 2012-CP-10-00929

ORDER

By order dated September 20, 2013, the South Carolina Court of Appeals dismissed the appeal in this matter.¹ On September 24, 2013, petitioner served and filed a petition for a writ of certiorari asking this Court to review this dismissal by the Court of Appeals. This petition was received by this Court on September 30, 2013.² When no petition for rehearing or reinstatement had been received by the Court of Appeals within the time specified by Rule 221 of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals sent the remittitur on October 8, 2013.

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 has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

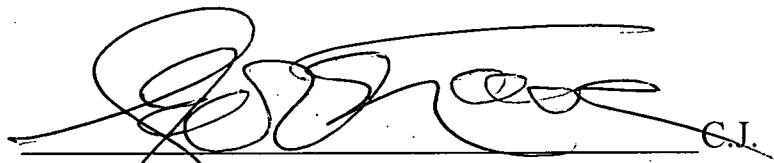
Further, when no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221, SCACR.

¹ Before the Court of Appeals, the Appellate Case Number was 2013-001218.

² Based on the Appellate Case Management System, it does not appear that the Court of Appeals received a copy of the petition for a writ of certiorari.

The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, the petition for a writ of certiorari is dismissed.


C.J.
FOR THE COURT

Columbia, South Carolina
October 14, 2013

cc: Mr. Herbert Alonzo Robinson, 298364
Gordon Wade Cooper, Esquire
The Honorable Jenny Abbott Kitchings
The Honorable Julie J. Armstrong