

The Supreme Court of South Carolina

Therl Taylor, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-00193.1

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SC Court of Appeals

ORDER

By order dated January 30, 2013, the South Carolina Court of Appeals dismissed this appeal. Although petitioner filed a document seeking reconsideration and a petition for rehearing, the Court of Appeals issued the remittitur on August 16, 2013, without ruling on these documents.¹

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

First, 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.

Second, 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

¹ The Appellate Case Number before the Court of Appeals was 2012-213119.

remittitur. *Id.*


C.J.
FOR THE COURT

Columbia, South Carolina

October 1, 2013

cc: Mr. Therl Taylor, 00260961
Christopher Florian, Esquire
Shanika Kenyetta Johnson, Esquire
The Honorable Jenny Abbott Kitchings