

# The Supreme Court of South Carolina

Brenda Nesbitt, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002372

Lower Court Case No. 2011-Cp-23-00547

---

## ORDER

---

By order dated November 15, 2013, the notices of appeal in this case were dismissed without prejudice. When no petition for rehearing was received within the time specified by Rule 221 of the South Carolina Appellate Court Rules (SCACR), the remittitur was properly sent to the circuit court on December 3, 2013.

Petitioner has now filed a petition for rehearing dated December 3, 2013.<sup>1</sup> The petition is dismissed for two reasons.

First, under Rule 221, SCACR, any petition for rehearing had to be actually received by this Court on or before December 2, 2013. Therefore, the petition for

---

<sup>1</sup> This petition was originally submitted by Mr. Mark Marvin. This petition was received by this Court on December 9, 2013. Since the petition was not signed by the petitioner and Mr. Marvin is not licensed to practice law in this State, the Clerk of this Court properly rejected this filing. Rule 267(b), SCACR (documents filed "shall be signed by the party or the [party's] attorney.") and 267(f), SCACR; *see also State v. Robinson*, 321 S.C. 286, 486 S.E.2d 290 (1996) (practice of law includes the preparation and filing of documents in cases pending before the courts of this State); *State v. Despain*, 319 S.C. 317, 460 S.E.2d 576 (1995); *In re Duncan*, 83 S.C. 186, 65 S.E. 210 (1909). Petitioner has now resubmitted the petition with her signature and this petition was received by this Court on December 30, 2013.

rehearing is untimely. This is true even if the filing signed only by Mr. Marvin could be considered.

Second, the remittitur has been properly sent in this matter, ending appellate jurisdiction. Therefore, the petition cannot be considered by this Court. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, the petition for rehearing is dismissed.

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
January 3, 2014

cc: Karen Christine Ratigan, Esquire  
Ms. Brenda Nesbitt, # 139726