

The Supreme Court of South Carolina

The State, Respondent,

v.

Erica Butts, Petitioner.

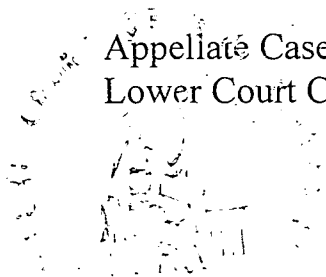
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SC Court of Appeals

Appellate Case No. 2014-000172

Lower Court Case No. 2010-GS-10-04123



ORDER

By order dated December 23, 2014, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on January 8, 2014.¹


Petitioner has now filed a notice of appeal and motion to alter or amend. Since a decision of the Court of Appeals is reviewed by serving and filing a petition for a writ of certiorari, these documents have been construed as a petition for a writ of certiorari.

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. When the remittitur is properly sent, appellate jurisdiction ends and no further motion or petition can be considered. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

¹ Before the Court of Appeals, the Appellate Case Number was 2013-000218.

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


C.J.
FOR THE COURT

Columbia, South Carolina

February 4, 2014

cc: Melissa White Gay, Esquire
Robert Michael Dudek, Esquire
Salley W. Elliott, Esquire
The Honorable Jenny Abbott Kitchings
The Honorable Julie J. Armstrong