

The Supreme Court of South Carolina

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Stewart Buchanan, 069848, Petitioner,

SC COURT OF APPEALS

v.

South Carolina Department of Probation, Parole and  
Pardon Services, Respondent.

Appellate Case No. 2013-002591

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ORDER

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By order dated November 7, 2013, the South Carolina Court of Appeals dismissed the appeal in this matter. No petition for rehearing or reinstatement has been filed with the Court of Appeals after the issuance of this order of dismissal. *See* Rules 221 (time to serve and file a petition for rehearing) and 260(a) (time to serve and file a motion for reinstatement after an involuntary dismissal) of the South Carolina Appellate Court Rules (SCACR). Petitioner has now filed a petition for a writ of certiorari dated November 18, 2013, which was served on December 3, 2013, seeking review of the decision of the South Carolina Court of Appeals in this matter.

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 after the issuance of the dismissal order, there is no final decision for this Court to review.

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

to stay the remittitur is denied as moot.<sup>1</sup>

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
December 13, 2013

cc: Tommy Evans, Jr., Esquire  
Stewart Buchanan, #069848  
The Honorable Jenny Abbott Kitchings  
The Honorable Jana E. Shealy

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<sup>1</sup> If a timely petition for rehearing or reinstatement had been made to and ruled on by the Court of Appeals, the remittitur could not have been sent until the time to serve and file a petition for a writ of certiorari under Rule 242, SCACR, had expired. Rule 221, SCACR ("If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.").