

The Supreme Court of South Carolina

The State, Respondent,

v.

Jermaine T. Fuller, Petitioner

Appellate Case No. 2014-000613

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APR 07 2014

SC Court of Appeals

ORDER

On February 5, 2014, the South Carolina Court of Appeals issued an opinion affirming the convictions and sentences in this matter. Because petitioner was represented by counsel, the Clerk of the Court of Appeals refused to accept for filing a *pro se* petition for rehearing. When no petition for rehearing was received from petitioner's counsel, the Court of Appeals sent the remittitur on February 25, 2014.¹

Petitioner has now filed a *pro se* petition for a writ of certiorari dated March 18, 2014.

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.

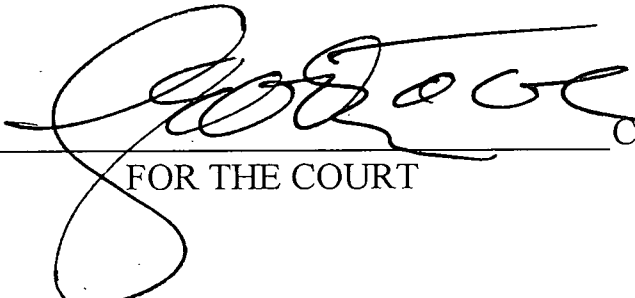
Since petitioner was represented by counsel, the *pro se* petition for rehearing was improper and the Court of Appeals properly made no ruling on this *pro se* petition.

¹ This remittitur did not contain all of the lower court case numbers involved in the appeal. On March 13, 2014, a second remittitur was sent to correct these clerical omissions in the first remittitur. The Appellate Case Number before the Court of Appeals was 2009-147686.

Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010).² Because no petition for rehearing has been ruled on by the Court of Appeals, there is no final decision for this Court to review.

Further, when no petition for rehearing was received from petitioner's counsel, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case, 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).

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


C.J.
FOR THE COURT

Columbia, South Carolina

April 4, 2014

cc: David Alexander, Esquire
William M. Blicht, Jr., Esquire
Mr. Jermaine T. Fuller, #3382130
The Honorable Jenny Abbott Kitchings

² "Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel. [citations omitted]. Because petitioner was represented by counsel, the *pro se* motion was not proper, should not have been accepted, and should not have been ruled upon. The motion was essentially a nullity. . . . We also take this opportunity to remind judges and clerks of court of our directive in *Foster* not to accept substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a party who is represented by counsel."