

The Supreme Court of South Carolina

Larry A. Yates, Petitioner,

v.

The Estate of Alvin Yates, Respondents.

Appellate Case No. 2014-001183

Lower Court Case No. 2008-CP-40-00009

ORDER

The South Carolina Court of Appeals filed an opinion in this matter on February 12, 2014. When no petition for rehearing or reinstatement was received within the time specified by Rule 221 of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals sent the remittitur on February 28, 2014.

Petitioner then filed a petition for rehearing dated March 5, 2014, and a motion for enlargement of time dated April 8, 2014. The Court of Appeals rejected both of these filings because appellate jurisdiction had ended with the sending of the remittitur.¹

Petitioner has now filed a petition for a writ of certiorari dated June 2, 2014, 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 has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

¹ Before the Court of Appeals, the Appellate Case Number was 2012-212594.

Further, the Court of Appeals has sent the remittitur in this case. The sending of 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). Accordingly, the petition for a writ of certiorari is dismissed.²


C.J.
FOR THE COURT

Columbia, South Carolina
June 19, 2014

cc: Ronald R. Hall, Esquire
Mr. Larry A. Yates
The Honorable Jenny Kitchings
The Honorable Jeanette W. McBride

² As indicated in *Wise*, the only motion that can be made following the issuance of a remittitur is a motion to recall the remittitur, and such a motion is only appropriate if the remittitur has been sent down due to some error on the part of the appellate court or its staff. No such motion has been made to the South Carolina Court of Appeals.