

The Supreme Court of South Carolina

Jerry Holtzclaw, d/b/a Green Thumb Landscape &
Irrigation, Respondent,

v.

Dennis Waldrep, Petitioner.

Appellate Case No. 2014-001286
Lower Court Case No. 2008-CP-37-00415

ORDER

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SC Court of Appeals

By order dated January 27, 2014, the South Carolina Court of Appeals dismissed the appeal in this matter.¹ On April 4, 2014, the Court of Appeals denied a motion to reinstate which it construed as a petition for rehearing. The remittitur was sent on May 30, 2014:

Petitioner has now filed a petition for a writ of certiorari. This petition is dated June 11, 2014, and was received by this Court on June 16, 2014.

The petition is dismissed for two reasons. First, it is untimely under Rule 242(c) of the South Carolina Appellate Court Rules.

Second, when no petition for a writ of certiorari was served and filed within the time provided by Rule 221(b), SCACR, the Court of Appeals properly sent the remittitur.² The sending of the remittitur ended appellate jurisdiction and no

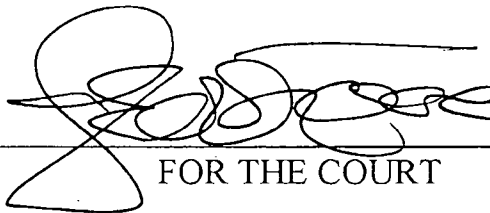
¹ The Appellate Case Number before the Court of Appeals was 2012-207852.

² After the order was issued denying the petition for rehearing, the petitioner filed a motion for reconsideration dated April 14, 2014. There is simply nothing in the SCACR that allows for a rehearing of an order denying a petition for rehearing, and the filing of this motion did not prevent the Court of Appeals from sending the remittitur.

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further motions or petitions can be considered. *Wise v. South Carolina Department of Corrections*, 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

June 19, 2014

cc: William C. Hood, Esquire
Mr. Dennis Waldrep
The Honorable Jenny Kitchings
The Honorable Beverly H. Whitfield

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