



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 18, 2014

Dennis Waldrep
209 Amethyst Way
Seneca SC 29672

Re: Holtzclaw, Jerry v. Waldrep, Dennis
Appellate Case No. 2012-207852

Dear Mr. Waldrep:

This office is in receipt of your letter dated June 25, 2014. You inquire about the "Motion for Reconsideration" dated April 14, 2014. No action will be taken on the "Motion for Reconsideration." I call your attention to Footnote 2 in the order of the Supreme Court dated June 19, 2014. A copy of the order is enclosed. The second sentence of Footnote 2 provides the reasoning for no action by the Court of Appeals on the "Motion for Reconsideration." The remittitur has been issued and appellate jurisdiction has ended.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William C. Hood, Esquire
Enclosure

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

COPY

RECEIVED

JUL 17 2014

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

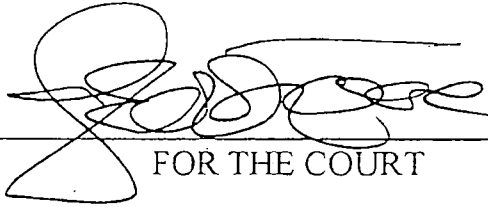
¹ The Appellate Case Number before the Court of Appeals was 2012-207852.

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.

COPY

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

RECEIVED

JUL 17 2014

SC Court of Appeals

COPY