

The Supreme Court of South Carolina

The State, Respondent,

v.

William T. Watts, II, Petitioner.

Appellate Case No. 2014-001612

Lower Court Case No. 2013GS3200434

ORDER

By order dated July 2, 2014, the South Carolina Court of Appeals dismissed the appeal in this matter, finding that the order under appeal was not immediately appealable. Since petitioner was represented by counsel, the Court of Appeals refused to act on a petition for rehearing filed *pro se* by petitioner. When no petition for rehearing or reinstatement was received from petitioner's counsel within the time permitted by Rule 221 of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals sent the remittitur on July 21, 2014.¹

Petitioner has now filed a *pro se* notice of appeal dated July 24, 2014. Since review of decisions of the Court of Appeals is sought by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), the notice of appeal has been construed as a petition for a writ of certiorari.

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.


In the current case, the Court of Appeals properly refused to act on the *pro se* petition for rehearing since petitioner was represented by counsel. *Miller v. State*,

¹ Before the Court of Appeals, the Appellate Case Number was 2014-001149.

388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989). Since no petition for rehearing or reinstatement has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

Further, when no petition for rehearing or reinstatement was received from counsel, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

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


C.J.

FOR THE COURT

Columbia, South Carolina
August 5, 2014

cc: Salley W. Elliott, Esquire
Elizabeth C. Fullwood, Esquire
Mr. William T. Watts, II
The Honorable Jenny Abbott Kitchings