

# The Supreme Court of South Carolina

Tyrone Perry, #307793, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2014-001745

Lower Court Case No. 2014ALJ040096AP

**RECEIVED**

AUG 20 2014

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ORDER

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**SC Court of Appeals**

By order dated July 17, 2014, the South Carolina Court of Appeals denied petitioner's motion to proceed *in forma pauperis*. When the fee was not paid, the South Carolina Court of Appeals dismissed the appeal on August 12, 2014. No petition for rehearing or reinstatement has been filed after the issuance of this dismissal order.<sup>1</sup>

Petitioner has now filed a notice of appeal dated August 11, 2014, seeking review of the denial of the motion to proceed *in forma pauperis*. Since a decision of the Court of Appeals is reviewed 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 a petition for a writ of certiorari.

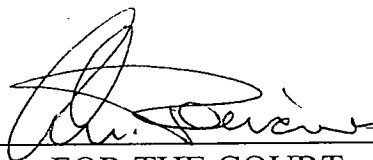
Under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing or reinstatement has been ruled on by the Court of Appeals since it issued the dismissal order, there is no final decision for this Court to review.

Accordingly, the petition for a writ of certiorari is dismissed without prejudice to petitioner's ability to seek review from this Court if a timely petition for

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number is 2014-001214.

reinstatement or rehearing has been made to and ruled on by the Court of Appeals.<sup>2</sup>  
See Rules 221 and 260(a), SCACR (rehearing and reinstatement).



J.

FOR THE COURT

Columbia, South Carolina  
August 19, 2014

cc: Christopher D. Florian, Esquire  
Mr. Tyrone Perry, 00307793  
The Honorable Jenny Abbott Kitchings  
The Honorable Jana E. Shealy

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<sup>2</sup> If such review is sought, petitioner must serve and file a petition and appendix that have the content specified by Rule 242(d) and (e), SCACR.