

# The Supreme Court of South Carolina

The State, Respondent,

v.

Richard Keith Poe, Appellant.

Appellate Case No. 2014-001400

Lower Court Nos. 2012GS4603769, 2012GS4603771,  
and 2012GS4603772

**RECEIVED**

JUL 01 2014

**SC Court of Appeals**

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## ORDER

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By order dated May 29, 2014, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on June 26, 2014.<sup>1</sup>

Petitioner has now filed a *pro se* notice of appeal dated June 29, 2014. Since review of a decision of the Court of Appeals is sought by serving and filing a petition for a writ of certiorari, this 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. 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.

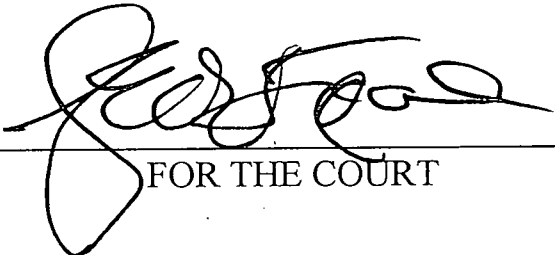
Further, when no petition for rehearing or reinstatement was received by the Court of Appeals within the time specified by Rule 221, SCACR, the Court of Appeals

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2013-001239.

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 petition for a writ of certiorari is dismissed.

  
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FOR THE COURT C.J.

Columbia, South Carolina

July 1, 2014

cc: Sean Francis Cronin, Esquire  
Salley W. Elliott, Esquire  
Mr. Richard Keith Poe, 00259297  
The Honorable Jenny Abbott Kitchings