

The Supreme Court of South Carolina

T. Terell Bryan, #254638, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2014-001933

ORDER

By order dated May 23, 2014, the South Carolina Court of Appeals dismissed the appeal in this matter. On June 18, 2014, the Court of Appeals denied rehearing, and on August 20, 2014, the Court of Appeals sent the remittitur to the Administrative Law Court. *Bryan v. SCDC*, Appellate Case No. 2014-000366.

Petitioner has now filed a petition for a writ of certiorari seeking review of the decision of the South Carolina Court of Appeals in this case. This petition is dated September 11, 2014.

The petition is dismissed for two reasons. First, the petition is untimely under Rule 242(c) of the South Carolina Appellate Court Rules (SCACR).¹

¹ Petitioner asserts that he was moved from McCormick Correctional Institution to Lee Correctional Institution on June 3, 2014, and was subsequently moved to Lieber Correctional Institution on August 19, 2014. As a result, he asserts that he did not receive the order denying the petition for rehearing until August 28, 2014, and that therefore, his petition for a writ of certiorari should be treated as being timely.

The filings in the Appellate Case Management System for this case fails to show that petitioner ever notified the Court of Appeals of any of these address changes. Therefore, if there was any delay in the receipt of the order denying rehearing, it is due to petitioner's failure to promptly notify the Court of Appeals of the changes in his mailing address.

Second, when no petition for a writ of certiorari was filed within the time permitted by Rule 242(c), SCACR, the Court of Appeals properly sent the remittitur. Rule 221(b), 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. The motion to proceed *in forma pauperis* is denied as moot.


C.J.
FOR THE COURT

Columbia, South Carolina
September 25, 2014

cc: Christopher D. Florian, Esquire
Mr. Terence Terell Bryan, 00254638
The Honorable Jenny Abbott Kitchings