

The Supreme Court of South Carolina

Demetrius J. Smalls, Petitioner,

v.

Town of Mount Pleasant Municipal Court, Respondent.

Appellate Case No. 2014-002051

Lower Court Case No. 2013CP1004356

ORDER

By order dated August 27, 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 September 12, 2014.¹

Petitioner has now filed a notice of appeal and brief with this Court seeking review of the decision of the South Carolina Court of Appeals. Since decisions of the Court of Appeals are reviewed by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), the documents filed by petitioner have been construed as a petition for a writ of certiorari.

Under Rule 242(a), 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, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v.*

¹ Before the Court of Appeals, the Appellate Case Number was 2014-001358.

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.


C.J.
FOR THE COURT

Columbia, South Carolina
September 26, 2014

cc: Ira Allen Grossman, Esquire
Mr. Demetrius J. Smalls, 286806
The Honorable Jenny Abbott Kitchings