

# The Supreme Court of South Carolina

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October 9, 2014

Mr. Shaheen Cabbagestalk, #295567  
Lieber Correctional Institution  
P O Box 205  
Ridgeville SC 29472

Re: Shaheen Cabbagestalk v. State  
Appellate Case No. 2012-212579

Dear Mr. Cabbagestalk:

This responds to your document objecting to this Court's order of September 11, 2014. This document, which was received by this Court on October 6, 2014, in an envelope post-marked October 2, 2014, has been construed as a petition for rehearing. No action will be taken on this petition for rehearing for several reasons.

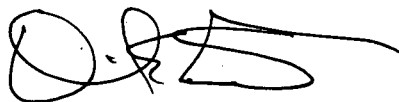
First, you have failed to file a proof of service showing that the petition has been served on opposing counsel as required by Rule 240(c)(1) of the South Carolina Appellate Court Rules (SCACR). This Court cannot act on *ex parte* communications.

Second, the order denying certiorari in this matter was filed on September 11, 2014. Therefore, under Rule 221(a), SCACR, any petition for rehearing had to be *actually received* by this Court on or before September 26, 2014. Therefore, your petition for rehearing is untimely.

Finally, when no timely petition for rehearing was received by this Court, the remittitur was sent in this case on September 29, 2014. The sending of the remittitur ended this Court's jurisdiction over this case. *Wise v. S.C. Dept. Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, no action will be taken on your petition for rehearing.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: Tyson A. Johnson, Sr., Esquire