

The Supreme Court of South Carolina

The State, Respondent,

v.

Michel A. Dukes, Petitioner

Appellate Case No. 2014-002192

Lower Court Case No. 2003GS260335

ORDER

After being convicted and sentenced in 2005, petitioner appealed to the South Carolina Court of Appeals. On October 8, 2007, the South Carolina Court of Appeals filed its opinion in this matter. By order dated November 16, 2007, the Court of Appeals denied a petition for rehearing. When no petition for a writ of certiorari was filed with this Court, the Court of Appeals sent the remittitur on December 21, 2007.¹

Petitioner has now filed a notice of appeal and a petition for a writ of certiorari, both dated October 14, 2014.²

¹ Before the Court of Appeals, the Appellate Case Number was 2005-032963.

² The conviction and sentence involved in this matter arose out of case number 2003GS2603445 (Warrant No. H299368). The notice of appeal filed by counsel with the Court of Appeals and the documents petitioner has filed with this Court also reference case numbers 2003GS260343 (Warrant No. H438376) and 2003GS260344 (Warrant No. H299369).

It appears that these last case numbers have been erroneously included since case number 2003GS263443 involved another criminal defendant and case number 2003GS263444 involved a charge against petitioner that was nol-prossed. The Court of Appeals shall amend its records to reflect the appeal involved case number 2003GS2603445.

The notice of appeal indicates that petitioner is appealing from the 2005 conviction and sentence. Since nothing in the South Carolina Appellate Court Rules allows for successive appeals from a criminal conviction and sentence, the notice of appeal is dismissed.

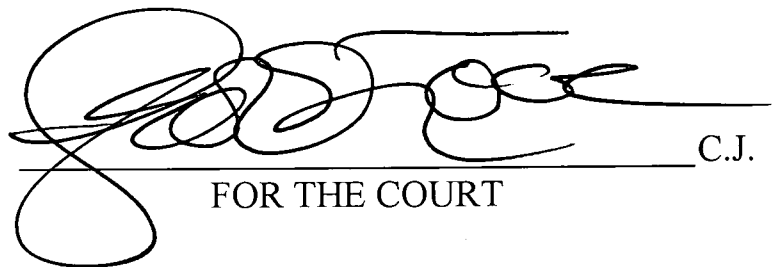
As to the petition for a writ of certiorari, it is dismissed for several reasons.

First, the petition for a writ of certiorari is untimely under Rule 242(c) of the South Carolina Appellate Court Rules (SCACR).

Second, when no petition for a writ of certiorari was filed within the time provided by Rule 242, SCACR, the Court of Appeals properly sent the remittitur. Rule 22(b), SCACR ("Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. "). The sending of the remittitur ended appellate jurisdiction over this case, and the petition cannot be considered by this Court. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Finally, the opinion of the Court of Appeals dismissed the appeal in this matter after conducting a review pursuant to *Anders v. California*. This Court no longer reviews cases in which the Court of Appeals has issued an opinion of this nature. *State v. Lyles*, 381 S.C. 442, 673 S.E.2d 811 (2009).

Accordingly, the notice of appeal and the petition for a writ of certiorari are dismissed.



C.J.
FOR THE COURT

Columbia, South Carolina
October 21, 2014

cc: Salley W. Elliott, Esquire
Mr. Michel A. Dukes
The Honorable Jenny Abbott Kitchings