

The Supreme Court of South Carolina

Michael J. Ferola, #291941, Petitioner,

v.

South Carolina Department of Corrections, Joseph Cannon, #295844, Officer Fulton, Michael Bowers, Kenneth Sharp, Respondents.

Appellate Case No. 2014-002543

ORDER

By order dated November 18, 2014, the South Carolina Court of Appeals dismissed the appeal in this matter. No petition for reinstatement or rehearing has been filed with the Court of Appeals since the issuance of the dismissal order.

Petitioner has now filed a notice of appeal dated November 24, 2014. 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 notice of appeal has been construed as a petition for a writ of certiorari. The petition is dismissed for four reasons.

First, the petition that has been filed does not have the content required by Rule 242(d), SCACR.

Second, petitioner has not filed an appendix having the content specified by Rule 242(e), SCACR.

Third, petitioner has not paid the filing fee required by Rule 242(c), SCACR, or made a motion to have this Court waive the fee.

Finally, 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 regarding the dismissal order, there is no final decision for this Court to review.

Accordingly, the petition for a writ of certiorari is dismissed.


C.J.
FOR THE COURT

Columbia, South Carolina
December 10, 2014

cc: G. Murrell Smith, Jr., Esquire
Daniel John Crooks, III, Esquire
Mr. Michael J. Ferola, 291941
The Honorable Jenny Abbott Kitchings