



The Supreme Court of South Carolina

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29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

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December 15, 2014

Mr. Brian A. Diggs, 00248964
Broad River Correctional Inst.
4460 Broad River Road
Columbia SC 29210

Re: Brian Diggs v. State
Appellate Case No. 2013-000285

Dear Mr. Diggs:

This responds to two *pro se* documents you have sent to this Court. Both of these documents seek a rehearing of this Court's order denying the petition for a writ of certiorari in this post-conviction relief case.

The first is a document dated December 7, 2014. This document was received by this Court on December 9, 2014, in an envelope post-marked December 8, 2014.

The second document is a Petition for Rehearing dated December 8, 2014, with a certificate of service dated December 10, 2014. The envelope containing this petition and certificate of service shows that it was received by Broad River Correctional Institution Mailroom on December 10, 2014, and bears a post-mark of December 10, 2014. The petition was received by this Court on December 12, 2014.

No action will be taken on these *pro se* documents for three reasons. First, these *pro se* documents cannot be accepted for filing since you are represented by counsel in this matter. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones*

v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Second, the order denying certiorari in this matter was filed on November 20, 2014. Therefore, under Rule 221(a), SCACR, any petition for rehearing in this matter had to be *actually received* by this Court on or before December 5, 2014. Therefore, the *pro se* documents seeking a rehearing are not timely.

Finally, the remittitur in this matter was sent to the circuit court on December 8, 2014. The sending of the remittitur ended appellate jurisdiction over this case, and no further motions or petitions can be considered in this matter. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, no action will be taken on your *pro se* documents.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. J. Williams', with a long horizontal flourish extending to the right.

CLERK

cc: David Alexander, Esquire
Mary Shannon Williams, Esquire