

The Supreme Court of South Carolina

Antonio Glover, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-002719

Lower Court Case No. 2010CP0404270

ORDER

By opinion dated October 8, 2014, the South Carolina Court of Appeals affirmed petitioner's convictions after granting review pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). Since petitioner was represented by counsel, the Court of Appeals properly rejected a *pro se* petition for rehearing dated October 21, 2014. *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). The Court of Appeals sent the remittitur to the circuit court on October 27, 2014.

Petitioner then sent the Court of Appeals a *pro se* petition for reinstatement seeking to have the remittitur recalled and his *pro se* petition for rehearing reinstated. Since petitioner was represented by counsel before the Court of Appeals, this document was properly rejected for filing. *Miller v. State, supra*; *Jones v. State, supra*; *State v. Stuckey, supra*.¹

Petitioner has now filed a petition for a writ of certiorari dated December 17, 2014, seeking review of the decision of the South Carolina Court of Appeals in this matter.

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

¹ The Appellate Case Number before the Court of Appeals was 2011-202772.

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 *proper* petition for rehearing 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 was filed by petitioner's counsel within the time permitted by Rule 221, SCACR, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. 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
January 5, 2015

cc: David Alexander, Esquire
John Walter Whitmire, Esquire
Mr. Antonio Glover
The Honorable Jenny Abbott Kitchings