

The Supreme Court of South Carolina

Heyward Cecil Dempsey, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-000393

Lower Court Case No. 1997GS3801138

ORDER

By order dated February 13, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter.¹ Petitioner has now filed a notice of appeal, seeking review of the decision of the South Carolina Court of Appeals in this matter. Since review of a decision of the Court of Appeals is commenced 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.

Under Rule 242(a), 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 in this matter, there is no final decision for this Court to review. Accordingly, the petition for a writ of certiorari is dismissed.

Petitioner also moves for a rehearing or an extension of time to perfect the appeal. Since this motion should be made to the Court of Appeals rather to this Court, the

¹ Before the Court of Appeals, the Appellate Case Number is 2014-000333.

motion shall be forwarded to the Court of Appeals for its consideration.

 C.J.

FOR THE COURT

Columbia, South Carolina

March 2, 2015

cc: Donald J. Zelenka, Esquire

Mr. Heyward Cecil Dempsey, 00134171

The Honorable Jenny Abbott Kitchings (with copy of Petition for
Rehearing/Extension of Time and Affidavit in Support)

The Honorable Winnifa Brown-Clark