

The Supreme Court of South Carolina

Akeem Abdullah-Malik, 359150, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-001061

Lower Court/Tribunal Case No. 2014ALJ040938AP

ORDER

By order dated April 29, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received within the time specified by Rules 221(a) or 260(a) of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals sent the remittitur on May 15, 2015.¹

Petitioner has now filed a petition for a writ of certiorari dated May 4, 2015, seeking review of the decision of the South Carolina Court of Appeals in this matter. This document was not received by this Court until May 15, 2015.

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.

Further, when no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221(b), SCACR. The sending of the remittitur ended appellate jurisdiction over this case.

¹ Before the Court of Appeals, the Appellate Case Number was 2014-002446.

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

May 19, 2015

cc: Daniel John Crooks, III, Esquire
Mr. Akeem Abdullah-Malik, 359150
The Honorable Jenny Abbott Kitchings
The Honorable Jana E. Shealy