

The Supreme Court of South Carolina

Pepsi Bottling Group, Respondent,

v.

Wesley Edward Smith, III, Petitioner.

Appellate Case No. 2015-001271

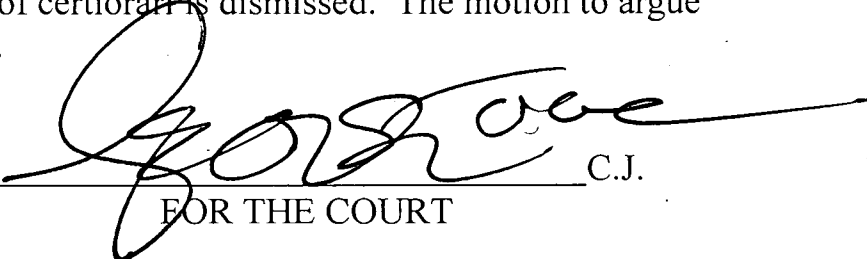
Lower Court Case No. 2013CP1000417

ORDER

By order dated May 29, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter.¹ Petitioner has now filed documents seeking review of the decision of the South Carolina Court of Appeals. Since review of a decision of the Court of Appeals is sought by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules, these documents have been construed as a petition for a writ of certiorari.

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 in this matter, there is no final decision for this Court to review.

Accordingly, the petition for a writ of certiorari is dismissed. The motion to argue against precedent is denied as moot.


C.J.
FOR THE COURT

Columbia, South Carolina

June 17, 2015

cc: Ashley Bryan Abel, Esquire
Wesley Edward Smith, III
The Honorable Jenny Abbott Kitchings
The Honorable Jana Shealy

¹ Before the Court of Appeals, the Appellate Case Number is 2015-000548.