

The Supreme Court of South Carolina

Gary Slezak, #109201, Petitioner,

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JUN 29 2015

SC Court of Appeals

v. South Carolina Department of Corrections, Respondent.

Appellate Case No. 2015-001362

Lower Court or Tribunal Number 2014ALJ040849AP

ORDER

By order dated June 2, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on June 18, 2015.¹

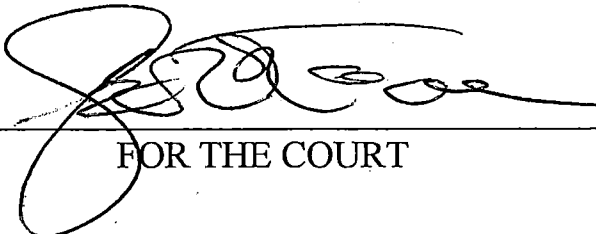
Petitioner has now filed a notice of appeal with this Court. Since the review of a decision of the South Carolina Court of Appeals is sought by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules, the notice of appeal has been construed as 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.

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, 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).

¹ Before the Court of Appeals, the Appellate Case Number was 2015-000565.

Accordingly, the petition for a writ of certiorari is dismissed.


C.J.
FOR THE COURT

Columbia, South Carolina
June 26, 2015

cc: Daniel John Crooks, III, Esquire
Mr. Gary Slezak, 109201
The Honorable Jenny Abbott Kitchings