

Sidney Fields # 254392  
B.R.C.I. 4460 Broad River Rd  
Monticello # 234  
Columbia, S.C. 29210

Date August 12, 2014 **RECEIVED**

The Hon. Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

AUG 14 2015  
S.C. SUPREME COURT

RE:                   Petitioning Supreme Court For Writ Of Certiorari  
                          Under Rule 240(d) SCACR  
                          Case # 2014-CP-10-305  
                          Appellate Case # 2014-002150

Dear Mr. Shearouse;

On October 8, 2014 I submitted a notice of appeal to the S.C. Court Of Appeals to appeal the Order denying my petition for writ of mandamus from the lower court. Along with the notice of appeal, I also submitted a motion pursuant to Rule 240(d) SCACR. This Rule states that parties may be relieved from paying a filing fee in extraordinary cases.

On December 2, 2014 in response to my Rule 240(d) motion, the court construed the appeal under Rule 203(d)(1)(B)(vi) SCACR, and Ordered that I submit an explanation within (20) days to show why the lower court's determination was improper.

Since Rule 203(d)(1)(B)(vi) SCACR pertains to appeals derived from a habeas corpus proceeding in the lower court, I submitted a petition for rehearing to vacate the invalid December 2, 2014 Order because my appeal derived from a mandamus proceeding in the lower court. I also asked the court in the petition for rehearing to rule on my Rule 240(d) motion for a second time.

In it's February 9, 2015 final Order, the court construed my petition for rehearing as an explanation pursuant to Rule 203(d)(1)(B)(vi) SCACR, and concluded that I failed to give a sufficient explanation pursuant to Rule 203(d)(1)(B)(vi) SCACR and dismissed the appeal without even ruling on my Rule 240(d) motion.

I then petitioned the Supreme Court for certiorari assuming that the petition for rehearing on the December 2, 2014 interlocutory Order was sufficient. However, the Supreme Court immediately denied my petition for certiorari because I failed to file a petition for rehearing on the February 9, 2015 final Order. While I was appealing to the Supreme Court, the (15) day period to file the petition for rehearing on the Court Of Appeals February 9, 2015 final Order had expired. Thus the Court Of Appeals sent the remittitur to the lower court.

I then submitted a motion to recall the remittitur to the Court Of Appeals because even though I made the procedural mistake of failing to file a petition for rehearing on the final Order, the Court Of Appeals never obtained Jurisdiction over the subject matter in the first place. Thus the remittitur was sent in error to the lower court. In other words, the mandamus Judgment in the lower court is still pending. The court denied motion to recall remittitur.

Also, the Court Of Appeal refuse to hear my petition for rehearing pertaining to the denial of my motion to recall the remittitur. The court based it's conclusion on Rule 240(i) SCACR. However, this Rule does not have legal effect in this case because the appeal was void from it's inception due to the court's lack of Jurisdiction.

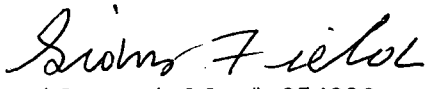
I am now before this court seeking a petition for writ of certiorari to challenge the Court Of Appeals denial of my motion to recall remittitur. I also want to proceed under Rule 240(d) SCACR because not only is this matter extraordinary, the initial appeal from the lower court is extraordinary also.

Therefore, enclosed is my petition for writ of certiorari and my Rule 240(d) motion with proof of service. Also enclosed is an appendix that supports the petition for certiorari. The appendix also supports the Rule 240(d) motion.

Lastly, enclosed is an extra cover page of my petition for certiorari and Rule 240(d) motion. Please file stamp and return in the self-addressed stamped envelope provided.

Signed \_\_\_\_\_,

Sincerely,

  
Sidney Fields # 254392

CC: Karen C. Ratigan Esq.  
Office Of The Attorney General  
(attorney for respondent)

Jenny A. Kitchings  
Clerk, S.C. Court Of Appeals