

# The Supreme Court of South Carolina

Heyward Cecil Dempsey, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-001637

Lower Court Case No. 1997GS3801138

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## ORDER

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Petitioner has filed a petition for a writ of certiorari and a motion to require the State to produce certain documents for use in these appellate proceedings. The State moves to dismiss or reject these filings. This Court has received an additional filing from petitioner that was served on September 2, 2015.

The South Carolina Court of Appeals dismissed the appeal in this matter on February 13, 2015. It subsequently denied a petition for rehearing on June 4, 2015.<sup>1</sup>

On June 22, 2015, petitioner filed a notice of appeal with this Court and that document was construed as a petition for a writ of certiorari.<sup>2</sup> That petition was dismissed by order of this Court dated June 30, 2015, and no petition for reinstatement or rehearing was filed regarding that dismissal order. On July 15, 2015, the Court of Appeals sent the remittitur to the circuit court regarding the appeal.

On August 3, 2015, this Court received the current petition for a writ of certiorari again seeking review of the decision of the Court of Appeals in this case. The petition for a writ of certiorari is dismissed for three reasons.

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2014-000333.


<sup>2</sup> This petition was assigned Appellate Court Case Number 2015-001396.

First, the petition is untimely since it has been served and filed more than thirty days after the Court of Appeals denied the petition for rehearing. Rule 242(c) of the South Carolina Appellate Court Rules.

Second, this Court has already considered a petition for a writ of certiorari in this matter and that petition was dismissed. Nothing in the South Carolina Appellate Court Rules allows for the filing of successive petitions for a writ of certiorari to review a decision of the Court of Appeals.

Third, the remittitur has been properly sent by the Court of Appeals. The sending of the remittitur ended appellate jurisdiction, and no further motions or petitions can be considered in this case by either appellate court. *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. The motion for production is denied as moot.

 C.J.  
FOR THE COURT

Columbia, South Carolina  
September 10, 2015

cc: Alan McCrory Wilson, Esquire  
Donald J. Zelenka, Esquire  
Mr. Heyward Cecil Dempsey, 00134171  
**The Honorable Jenny Kitchings**