

The Supreme Court of South Carolina

John Douglas Alexander, Petitioner,

State of South Carolina, Respondent.

Appellate Case No. 2015-001352

ORDER

By order dated June 26, 2015, the petition for a writ of certiorari filed in this matter was dismissed. In the meantime, on June 25, 2015, the Court of Appeals recalled the remittitur and requested a return to petitioner's petition for rehearing. By order dated August 20, 2015, the Court of Appeals denied the petition for rehearing.

Petitioner requests this Court "reinstate the Petition for Writ of Certiorari pursuant to the South Carolina Court of Appeals' Order dated August 20, 2015 denying the above Petitioner's Petition For Rehearing." In light of the fact that the Court of Appeals recalled the remittitur and ruled on petitioner's petition for rehearing, we have construed petitioner's request as a new petition for a writ of certiorari. *See* Rule 242, SCACR (only final decisions of the Court of Appeals may be reviewed by this Court, in its discretion; a decision of the Court of Appeals is not final for purposes of such review until a petition for rehearing has been acted on by the Court of Appeals). However, as stated in our previous order, this Court will not entertain petitions for writs of certiorari where the Court of Appeals has denied a petition for a writ of certiorari in a post-conviction relief case such as the case at hand. *Ellison v. State*, 382 S.C. 189, 676 S.E.2d 671 (2009). Accordingly, we dismiss the petition for a writ of certiorari.


C.J.
FOR THE COURT

Columbia, South Carolina

September 21, 2015

cc:

Suzanne H. White, Esquire

John Douglas Alexander, 194748

M. Hope Blackley

The Honorable Jenny Kitchings