

The Supreme Court of South Carolina

Wesley Edward Smith, III, Petitioner,

v.

Charleston County School District, Respondent.

Appellate Case No. 2015-002061

Lower Court Case No. 2003CP1004751

ORDER

By order dated June 25, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter. The Court of Appeals sent the remittitur on July 15, 2015.¹

Petitioner has now filed documents asking this Court to review the decision of the 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 (SCACR), the documents have been construed as a petition for a writ of certiorari.

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 within the time permitted by Rule 221, SCACR, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case, 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).

¹ Before the Court of Appeals, the Appellate Case Number was 2015-000787.

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



C.J.
FOR THE COURT

Columbia, South Carolina
October 15, 2015

cc: Daniel Francis Blanchard, III, Esquire
Mr. Wesley Edward Smith, III
The Honorable Julie J. Armstrong
The Honorable Jenny Kitchings