

The Supreme Court of South Carolina

George Cleveland, III, Petitioner,

RECEIVED

v.

OCT 20 2015

Greenville County Sherriff's Office, Respondent.

SC Court of Appeals

Appellate Case No. 2015-002129

Lower Court Case No. 2014CP2305661

ORDER

By order dated July 10, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter. The Court of Appeals sent the remittitur to the circuit court on July 28, 2015.

Petitioner has now filed a petition for a writ of certiorari seeking review of the decision of the Court of Appeals. The petition is dismissed for three reasons.

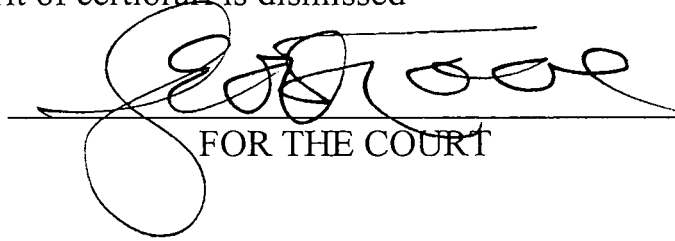
First, petitioner has not paid the \$100 filing fee required by Rule 242(c) of the South Carolina Appellate Court Rules (SCACR).

Second, 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.

Finally, 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

¹ In the petition, petitioner argues, among other things, that the Clerk of the Court of Appeals should not have sent the remittitur because a timely petition for

Accordingly, the petition for a writ of certiorari is dismissed


C.J.
FOR THE COURT

Columbia, South Carolina
October 19, 2015

cc: Charles Franklin Turner, Jr., Esquire
Mr. George Cleveland, III, 357770
The Honorable Paul B. Wickensimer
The Honorable Jenny Kitchings

rehearing had been filed. The Court of Appeals has not ruled on any motion to recall the remittitur, and whether it is appropriate to recall the remittitur is a matter for the Court of Appeals to consider in the first instance.