

The Supreme Court of South Carolina

The State, Respondent,

v.

Christopher E. Russell, Petitioner.

Appellate Case No. 2015-002239

ORDER

In an opinion filed on August 19, 2015, the South Carolina Court of Appeals affirmed the convictions in this case. On September 16, 2015, the Court of Appeals sent the remittitur to the court of general sessions.¹ Petitioner has now filed a petition for a writ of certiorari dated October 27, 2015, seeking review of the decision of the South Carolina Court of Appeals in this matter.

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 has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.²

¹ Before the Court of Appeals, the Appellate Case Number was 2013-000381.

² Petitioner attempted to file a *pro se* petition for rehearing with the Court of Appeals. The Court of Appeals properly rejected this *pro se* petition for filing since petitioner was represented by counsel in the appeal. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) ("Because petitioner was represented by counsel, the *pro se* motion was not proper, should not have been accepted, and should not have been ruled upon. The motion was essentially a nullity. . . . We also take this opportunity to remind judges and clerks of court of our directive in *Foster* not to accept substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a party who is represented by counsel."); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Further, when no petition for rehearing was filed by petitioner's counsel, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. 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).

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


C.J.
FOR THE COURT

Columbia, South Carolina
November 2, 2015

cc: Robert Michael Dudek, Esquire
David Bryant Morgen, Esquire
Laura Ruth Baer, Esquire
Mark Reynolds Farthing, Esquire
Jennifer Ellis Roberts, Esquire
The Honorable Jenny Abbott Kitchings