

The Supreme Court of South Carolina

Wesley Edward Smith, III, Petitioner,

v.

Washington Mutual Bank, Respondent.

Appellate Case No. 2016-000002

Lower Court Case No. 2002CP1801016

ORDER

By order dated August 6, 2015, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on December 22, 2015.

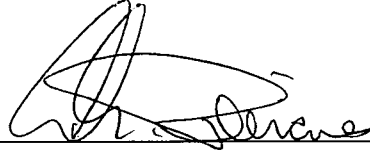
Petitioner has now filed a petition and notice of appeal seeking further review in this case. Since a decision of the South Carolina Court of Appeals is reviewed by a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), these documents have been construed as a petition for a writ of certiorari under Rule 242.

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, 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

January 5, 2016

cc: Samuel Calvin Waters, Esquire
Robert P. Wood, Esquire
Mr. Wesley Edward Smith, III
The Honorable Cheryl L. Graham
The Honorable Jenny Kitchings