

# The Supreme Court of South Carolina

Billy Lee Lisenby, Jr., #200273, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-000496

Lower Court or Tribunal No. 2012ALJ040044AP

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## ORDER

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On January 5, 2016, the South Carolina Court of Appeals denied the petition for rehearing and advised the parties that the suggestion for rehearing *en banc* had been rejected. The Court of Appeals sent the remittitur to the Administrative Law Court on February 18, 2016.<sup>1</sup>

Petitioner has now filed a petition for a writ of certiorari to review the decision of the Court of Appeals. This petition, which is dated March 1, 2016, is dismissed for two reasons.

First, the petition is untimely. Rule 242(c) of the South Carolina Appellate Court Rules ("A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of Appeals.").

Second, when no timely petition for a writ of certiorari was filed with this Court, the Court of Appeals properly sent the remittitur. Rule 221, SCACR ("Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired."). The sending of the remittitur

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2012-213396.

ended appellate jurisdiction over this case, and no further motions or petitions can be considered. *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.

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FOR THE COURT

Columbia, South Carolina

March 11<sup>th</sup>, 2016

cc: Shanika Kenyetta Johnson, Esquire  
Christina Gatoe Bigelow, Esquire  
Billy Lee Lisenby, Jr., 200273  
The Honorable Jenny Abbott Kitchings  
The Honorable Jana Shelay