

The Supreme Court of South Carolina

Jacqueline Tedder, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001122

Lower Court Case No. 2009CP3700501

ORDER

In an opinion filed on April 20, 2016, the South Carolina Court of Appeals affirmed the judgment of the circuit court in this post-conviction relief case. When no petition for rehearing or reinstatement was received within the time permitted by Rule 221, of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals sent the remittitur to the circuit court on May 6, 2016.

Petitioner has now filed a *pro se* notice of appeal with this Court. Since a decision of the Court of Appeals is reviewed by a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), this notice of appeal has been construed as a petition for a writ of certiorari.

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.¹

¹ Petitioner did attempt to file a *pro se* petition for rehearing with the Court of Appeals. This document was not received by the Court of Appeals until May 9, 2016. The Court of Appeals declined to accept the petition for rehearing for filing since petitioner was represented by counsel. *See Miller v. State*, 388 S.C. 347, 697

Further, when no petition for rehearing was received by the Court of Appeals within the time permitted by Rule 221, SCACR, the Court of Appeals properly sent the remittitur. 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
June 1, 2016

cc: Robert M. Pachak, Esquire
Patrick Lowell Schmeckpeper, Esquire
Ms. Jacqueline Tedder

S.E.2d 527 (2010); *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).