

The Supreme Court of South Carolina

The State, Respondent,

v.

Jonathan Brown, Petitioner.

Appellate Case No. 2016-001299

ORDER

By opinion dated June 1, 2016, the South Carolina Court of Appeals dismissed the appeal in this case after conducting a review pursuant to *Anders v. California*.¹ When no petition for rehearing was received, the Court of Appeals sent the remittitur on June 17, 2016.²

Petitioner has now filed a notice of appeal with this Court. Since review of a decision of the Court of Appeals is sought by a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), the notice of appeal has been construed as a petition for a writ of certiorari. This petition is dismissed for several reasons.

First, under Rule 242(a), 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.

Second, when no petition for rehearing was received by the Court of Appeals after the issuance of the opinion, the Court of Appeals sent the remittitur. Rule 221,

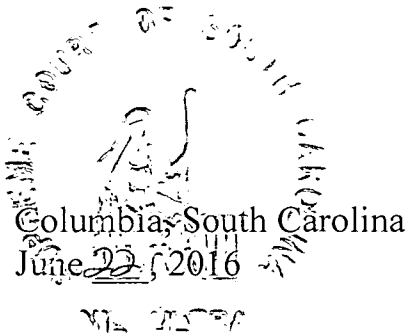
¹ 386 U.S. 738 (1967).

² Before the Court of Appeals, the Appellate Case Number was 2014-001554.

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).

Finally, in *State v. Lyles*, 381 S.C. 442, 673 S.E.2d 811 (2009), this Court held that it "will no longer entertain petitions for writs of certiorari where the Court of Appeals has dismissed an appeal after conducting an *Anders* review."

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





FOR THE COURT C.J.

cc: Lara Mary Caudy, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Jonathan Brown
The Honorable Jenny Kitchings