

The Supreme Court of South Carolina

Antonio D. Patterson, Petitioner,

v.

The State, Respondent.

Appellate Case No. 2016-001315

Lower Court Case No. 2006GS1009248

ORDER

The circuit court denied petitioner's request for testing under the Access to Justice Post-Conviction DNA Testing Act. By order dated June 7, 2016, the South Carolina Court of Appeals denied the petition for a writ of certiorari to review order of the circuit court.¹

Petitioner has now filed a *pro se* notice of appeal seeking review of the decision of the South Carolina Court of Appeals in this matter. Since review of a decision of the Court of Appeals is sought by serving and filing 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), 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 since the issuance of the order denying the petition for a writ of

¹ Before the Court of Appeals, the Appellate Case Number was 2014-002684.

certiorari, there is no final decision for this Court to review.

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



C.J.

FOR THE COURT

Columbia, South Carolina

June 23, 2017

cc: Tiffany Lorraine Butler, Esquire
Donald J. Zelenka, Esquire
Alan McCrory Wilson, Esquire
John W. McIntosh, Esquire
Sherrie Ann Butterbaugh, Esquire
The Honorable Julie J. Armstrong
The Honorable Jenny Kitchings