

The Supreme Court of South Carolina

The State, Respondent,

v.

Jarret Graddick, Petitioner.

Appellate Case No. 2016-001801

ORDER

By order dated August 10, 2016, 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 August 26, 2016.¹

Petitioner has now filed a petition for a writ of certiorari, seeking review of the decision of the South Carolina Court of Appeals in this matter. While this petition is dated August 21, 2016, this petition was received by this Court in an envelope post-marked August 25, 2016, on August 29, 2016.

This petition must be dismissed for several reasons. First, petitioner has not provided a proof of service showing that a copy of this petition has been served on opposing counsel as required by Rule 242(c) of the South Carolina Appellate Court Rules (SCACR).

Second, 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 or reinstatement has been ruled on by the Court of Appeals, there is no final decision for this Court to review.

Finally, when no petition for rehearing or reinstatement was received by the Court

¹ Before the Court of Appeals, the Appellate Case Number was 2014-001557.

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
September 1, 2016

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Mr. Jarret Graddick