The Supreme Court of South Carolina

Richard Ratliff, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-001868

ORDER

By order dated November 19, 2015, this Court denied the petition for a writ of certiorari in this post-conviction relief case. When no timely petition for rehearing was received, the remittitur was sent to the circuit court on December 7, 2015.

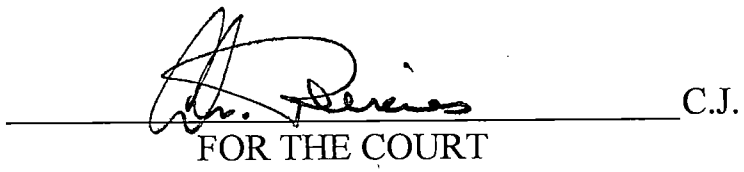
Petitioner has now filed a petition for reconsideration which has been construed as a petition for rehearing under Rule 221 of the South Carolina Appellate Court Rules(SCACR). This petition was received by this Court on October 3, 2016.

The petition for rehearing is hereby stricken and dismissed for three reasons.

First, petitioner was represented by counsel before this Court. Therefore, this *pro se* petition is improper and cannot be accepted for filing. *Miller v. State*, 388 S.C. 347, 697 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).

Second, under Rule 221(a), SCACR, any petition for rehearing had to be actually received by this Court within fifteen (15) days of the date of the order denying the petition for a writ of certiorari. Therefore, the petition for rehearing is untimely.

Finally, when no timely petition for rehearing was received by this Court, the remittitur was properly sent to the circuit court on December 7, 2015. Rule 221(b), 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).



C.J.

FOR THE COURT

Columbia, South Carolina
October 26, 2016

cc: John Walter Whitmire, Esquire
Lara Mary Caudy, Esquire
Mr. Richard Ratliff, #333368