

The Supreme Court of South Carolina

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November 7, 2016

Mr. Kevin Smith, 164920
Perry Correctional Institution
430 Oaklawn Road
Pelzer SC 29669

Re: Kevin Smith v. State
Appellate Case No. 2016-002066

Dear Counsel:

This responds to your petition for rehearing dated October 27, 2016. This petition was received by this Court on November 4, 2016, in an envelope showing that it was received by the mailroom at your prison on October 31, 2016.

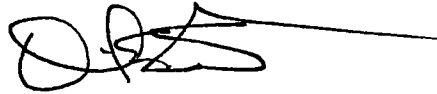
As you know, this matter was dismissed by order dated October 11, 2016. Under Rule 221 of the South Carolina Appellate Court Rules (SCACR), any petition for rehearing had to be actually received by this Court on or before October 26, 2016. Therefore, your petition for rehearing is untimely.

Further, when no petition for rehearing was received within the time specified by Rule 221, SCACR, the remittitur was sent to the circuit court on October 28, 2016. 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, no action will be taken on your petition for rehearing by this Court.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal line extending to the right.

CLERK

cc: Jessica Elizabeth Kinard, Esquire