

# The Supreme Court of South Carolina

Arthur R. Moseley #199398, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-002184

Lower Court Case No. 2015CP3500061

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## ORDER

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The South Carolina Court of Appeals dismissed the appeal in this matter by order dated September 9, 2016.<sup>1</sup> When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur to the circuit court on September 28, 2016.<sup>2</sup>

Petitioner has now filed a document with this Court seeking, among other things, to overturn the dismissal of the appeal. Since a decision of the Court of Appeals is reviewed by serving and filing a petition for a writ of certiorari under Rule 242, SCACR, this document 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 or reinstatement has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

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


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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2016-001580.

<sup>2</sup> The Court of Appeal did receive a document on September 30, 2016, seeking reinstatement of the appeal, but the Court of Appeals rejected this filing because the remittitur had been sent.

of Appeals with the time provided by Rules 221(a) and 260(a), the Court of Appeals sent the remittitur. 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).

Accordingly, the petition for a writ of certiorari is dismissed. The request to appoint counsel and/or a guardian ad litem is denied as moot. All other relief requested in the petition is denied.



C.J.

FOR THE COURT

Columbia, South Carolina

November 7, 2016

cc: Mr. Arthur R. Moseley, 199398  
Drew Hamilton Butler, Esquire  
Michelle Parsons Kelley, Esquire  
The Honorable Jenny Kitchings  
The Honorable Gwendolyn D. Childs