

# The Supreme Court of South Carolina

Derek S. Carter, Petition,

v.

South Carolina Department of Probation, Parole and  
Pardon Services, Respondent.

Appellate Case No. 2017-000184

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## ORDER

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By opinion dated January 11, 2017, the South Carolina Court of Appeals affirmed the judgment of the circuit court in this case. When no petition for rehearing was received within the time provided by Rule 221 of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals sent the remittitur on January 27, 2017.

Petitioner has now filed a notice of appeal dated January 26, 2017. 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, the notice of appeal has been construed as a petition for a writ of certiorari.

Under Rule 242(a) of the South Carolina Appellate Court Rules (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 in this matter, there is no final decision for this Court to review.

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



Columbia, South Carolina  
February 6, 2017

  
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FOR THE COURT C.J.

cc: Tommy Evans, Jr., Esquire  
Mr. Derek S. Carter, #275938  
The Honorable Jenny Kitchings