

The Supreme Court of South Carolina

The State, Respondent,

v.

Robert Lee Wright, Petitioner.

Appellate Case No. 2017-000169

Lower Court Case No. 2010GS1006153

ORDER

By opinion filed on January 11, 2017, the South Carolina Court of Appeals affirmed petitioner's conviction and sentence. When no petition for rehearing was received within the time specified by Rule 221 of the South Carolina Appellate Court Rules (SCACR), the Court of Appeals sent the remittitur on January 27, 2017.¹

Petitioner has now filed a notice with this Court indicating that he intends to seek a writ of certiorari to review the decision of the Court of Appeals. Further, if this filing is untimely, petitioner moves to extend the time. He also asks to be allowed to represent himself in this matter. Since review of a decision of the Court of Appeals is commenced by serving and filing a petition for a writ of certiorari under Rule 242, SCACR, the notice 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 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

¹ Before the Court of Appeals, the Appellate Case Number was 2014-001023.

the remittitur ended appellate jurisdiction over this case, and no further motion or petition can be considered in this matter. *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, the motion for an extension and the motion to proceed *pro se* are hereby stricken and dismissed.



FOR THE COURT C.J.

Columbia, South Carolina
February 16, 2017

cc: Margaret Graham Boykin, Esquire
Mr. Robert Lee Wright.
Office of Indigent Defense
The Honorable Jenny Abbott Kitchings