

# The Supreme Court of South Carolina

The State, Respondent,

v.

Timothy Phillips, Petitioner.

Appellate Case No. 2017-000538

Lower Court Case No. 2016GS0900340

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## ORDER

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By order dated February 1, 2017, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on February 17, 2017.<sup>1</sup>

Petitioner has now filed a *pro se* document dated February 27, 2017, asking this Court to review this matter. Since decisions of the Court of Appeals are reviewed by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (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 2016-002444.

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.

  
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FOR THE COURT C.J.

Columbia, South Carolina

March 3, 2017

cc: Martin Rast Banks, Esquire  
Theodore Nichols Lupton, Esquire  
John Benjamin Aplin, Esquire  
Alan McCrory-Wilson, Esquire  
Mr. Timothy Phillips  
The Honorable Jenny Abbott Kitchings  
The Honorable Kenneth Hasty