

The Supreme Court of South Carolina

Michael Wayne Jeffcoat #257930, Petitioner,

v.

State of South Carolina and The Honorable Donald V.
Myers, Defendants,

Of which the State of South Carolina is the Respondent.

Appellate Case No. 2017-000673

Lower Court Case No. 2014-CP-32-02372

ORDER

By order dated February 16, 2017, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received regarding this dismissal order, the Court of Appeals sent the remittitur on March 10, 2017.¹ Petitioner has now filed a petition for a writ of certiorari dated March 17, 2017, seeking review of the decision of the South Carolina Court of Appeals in this matter.

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 or reinstatement regarding the dismissal order has been ruled on by the Court of Appeals regarding the dismissal order, there is no final decision for this Court to review.

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

¹ Before the Court of Appeals, the Appellate Case Number was 2016-001902.

of Appeals following the issuance of the dismissal order,² 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.



C.J.

FOR THE COURT

Columbia, South Carolina
March 22, 2017

cc: Kevin Desmond Maroney, Esquire
Harley Littleton Kirkland, Esquire
Mr. Michael Wayne Jeffcoat #257930
The Honorable Lisa M. Comer
The Honorable Jenny Kitchings

² Petitioner did file a petition for rehearing regarding the Court of Appeals' denial of motion to proceed *in forma pauperis*. The Court of Appeals declined to rule on this petition for rehearing since the order denying *in forma pauperis* did not have "the effect of dismissing or finally deciding a party's appeal." Rule 240(i), SCACR.