

## Matthews, Lindsey

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**From:** Matthews, Lindsey  
**Sent:** Friday, July 28, 2017 12:16 PM  
**To:** 'jmcintosh@governor.sc.gov'  
**Subject:** John James Bell v. State 2017-001527  
**Attachments:** 2017\_07\_28\_11\_50\_30.pdf

Dear Mr. McIntosh,

Please find attached order related to the above-referenced case which was returned to this office via U.S. Mail.

Please note the address on the envelope matches our address of record in AIS, and be sure that all required information is listed properly.

Thank you.

Sincerely,  
Lindsey M. Matthews  
South Carolina Supreme Court  
PO Box 11330  
Columbia, SC 29201  
803-734-1080  
803-734-1499 (fax)

# The Supreme Court of South Carolina

John James Bell, Petitioner,

v.

State of South Carolina, Respondent,

Appellate Case No. 2017-001527

**RECEIVED**

JUL 28 2017

**S.C. SUPREME COURT**

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## ORDER

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By opinion filed on February 8, 2017, the South Carolina Court of Appeals affirmed the circuit court's denial of petitioner's application under the Access to Justice Post-Conviction DNA Testing Act. When no petition for rehearing was received within the time period provided by Rule 221 of the South Carolina Appellate Court Rules, the Court of Appeals sent the remittitur to the clerk of the circuit court on February 24, 2017.<sup>1</sup>

On July 13, 2017, this Court received various documents from petitioner.

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 has been ruled on by the Court of Appeals in this matter, there is no final decision for this Court to review.

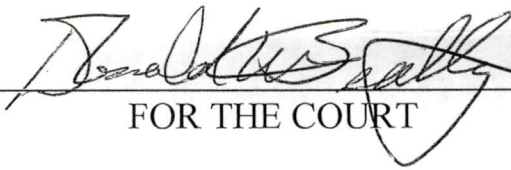
Further, when no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

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<sup>1</sup> The Appellate Case Number before the Court of Appeals was 2014-002196.

Accordingly, to the extent that the filing by petitioner may be seeking review of the decision of the Court of Appeals,<sup>2</sup> the petition is hereby stricken and dismissed.

To the extent the documents filed by petitioner may be seeking a writ of mandamus or other relief from this Court under Rule 245 of the South Carolina Appellate Court Rules, that request is hereby stricken and dismissed since petitioner has not provided the filing fee<sup>3</sup> and affidavit required by this Court's order dated January 19, 2006.

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
July 20, 2017

cc: Paul Andrew Anderson, Esquire  
Alan McCrory Wilson, Esquire  
Donald J. Zelenka, Esquire  
John W. McIntosh, Esquire  
Mr. John James Bell, #192526  
The Honorable Jenny Abbott Kitchings

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<sup>2</sup> Contrary to petitioner's, there is no right to "appeal" the issuance of a remittitur by the clerk of the Court of Appeals. Further, as indicated above, the remittitur was properly sent by the Court of Appeals.

<sup>3</sup> To the extent that petitioner may be asking this Court to waive the fee required by these orders, the request is denied.

The Supreme Court of South Carolina

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1205 PENDLETON ST.  
COLUMBIA SC 29201

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