

The Supreme Court of South Carolina

John Alexander, 194748, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2017-001648

Lower Court or Tribunal No. 2014ALJ040927AP

ORDER

By opinion dated July 5, 2017, the South Carolina Court of Appeals affirmed the decision of the South Carolina Administrative Law Court in this case. When no petition for rehearing was received, the Court of Appeals sent the remittitur on August 1, 2017.¹

Petitioner has now filed a document dated July 27, 2017, seeking review of the decision of the Court of Appeals. This document was received by this Court on August 3, 2017. Since review of a decision of the Court of Appeals is sought by a petition or 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) 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.

¹ Before the Court of Appeals, the Appellate Case Number was 2015-001761.

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
August 18, 2017



FOR THE COURT C.J.

cc: Christina Catoe Bigelow, Esquire
Mr. John Alexander, 194748
The Honorable Jenny Abbott Kitchings
The Honorable Jana E. Shealy