



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

September 29, 2017

Mr. Dean Henry Cole, #081665
Allendale Correctional Institution
P. O. Box 1151, Hwy 47
Fairfax SC 29827

Re: Dean Henry Cole v. State
Appellate Case No. 2016-000557

Dear Mr. Cole:

This responds to your motion for reconsideration. This motion was in an envelope showing that it was received by your prison mailroom on September 26, 2017.

This motion has been construed as a petition for rehearing under Rule 221 of the South Carolina Appellate Court Rules (SCACR)¹ in the above case. No action will be taken on this petition for rehearing for three reasons.

First, you have not provided a certificate or affidavit of service showing that a copy of this petition has been served on opposing counsel as required by Rule 240, SCACR.

¹ A copy of the SCACR should be available to you in your prison library. Further, a copy is also available on the South Carolina Judicial Department Website at www.sccourts.org/courtreg.

Second, the petition for a writ of certiorari was denied on July 25, 2017. Under Rule 221(a), SCACR, any petition for rehearing had to be actually received by this Court on or before August 9, 2017. Therefore, your petition for rehearing is untimely.

Third, when no timely petition for rehearing was received, the remittitur was sent to the circuit court on July 10, 2017. Rule 221(b), 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).

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. A. S.', with a long horizontal line extending to the right.

CLERK

cc: Johnny Ellis James, Jr., Esquire