

The Supreme Court of South Carolina

Phyllis B. Thomas, Petitioner,

v.

Barbara R. Merline, Diane P. Meachem, MHA's LLC,
TAXLAW, LLC, David A. Merline, Jr., Keith G.
Meacham and Merline & Meacham, P.A., Respondents.

Appellate Case No. 2017-002371

Lower Court Case No. 2016-CP-23-03431

RECEIVED


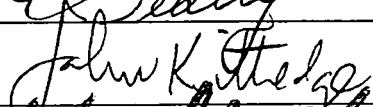

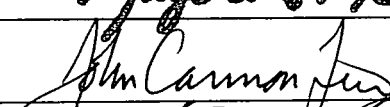
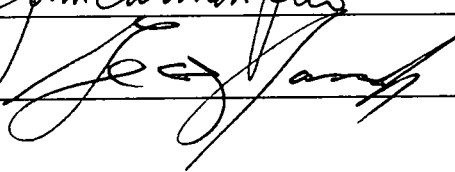
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SC Court of Appeals

ORDER

Petitioner seeks a writ of certiorari or, in the alternative an "Extraordinary Writ Regarding Jurisdiction of Appeal" to review the decision of the court of appeals dismissing her appeal. Respondents oppose the requests.

Because petitioner failed to file a petition for rehearing, and the remittitur was properly sent, this Court no longer has jurisdiction to review the order of the court of appeals. *See* Rule 221(a), SCACR (petitions for rehearing must be actually received by the appellate court no later than fifteen days after the filing of the opinion, order, judgment, or decree of the appellate court); Rule 221(b), SCACR (the remittitur shall not be sent until fifteen days have elapsed since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal); Rule 242(d)(2), SCACR (only those questions raised in the court of appeals and in the petition for rehearing shall be included in the petition for writ of certiorari as a question presented to the Supreme Court); *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007) (unless the remittitur is sent down by mistake, error, or inadvertence of the court of appeals, the Supreme Court no longer has jurisdiction to act in the matter once the remittitur has been sent). Further, a writ of certiorari is not a substitute for an appeal. *See S.C. Bd. of Exam'rs in Optometry v. Cohen*, 256 S.C. 13, 180 S.E.2d 650 (1971). Accordingly, petitioner's requests are denied.


C.J.

J.

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J.

Columbia, South Carolina

December 14, 2017

cc:

D. Randle Moody, II, Esquire
Thomas L. Stephenson, Esquire
Jeffrey P. Dunlaevy, Esquire
The Honorable Jenny Abbott Kitchings
The Honorable Paul B. Wickensimer