

The Supreme Court of South Carolina

Patrick Geard Strozier, #119519, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2018-000220

ORDER

By order dated May 23, 2017, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on June 9, 2017.¹

Petitioner has now filed a notice of appeal seeking review of the decision of the South Carolina Court of Appeals in this matter. Since review of a decision of the Court of Appeals is sought by serving and filing a petition for a writ of certiorari, the notice of appeal 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.

Further, when no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rules 221 and 260, SCACR. The sending of the remittitur ended appellate jurisdiction over this case.

¹ Before the Court of Appeals, the Appellate Case Number was 2017-001021.

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

February 15, 2018

cc: Mr. Patrick Geard Strozier, 119519

Annie Laurie Rumler, Esquire

The Honorable Jenny Kitchings