



# The Supreme Court of South Carolina

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March 01, 2018

Mr. Curtis Ray Nealey, 00337988  
Lee Correctional Inst.  
990 Wisacky Highway  
Bishopville SC 29010

Re: Curtis Nealey v. State  
Appellate Case No. 2015-000881

Dear Mr. Nealey:

This responds to your *pro se* petition for rehearing in this case. This petition is dated February 23, 2018, and was received by this Court yesterday in an envelope post-marked February 26, 2018. No action will be taken on this petition for several reasons.

First, since you are represented by counsel in this case, this *pro se* petition cannot be accepted for filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Second, you have failed to provide a certificate or affidavit of service showing that copy of this petition has been served on opposing counsel as required by Rule 240(c)(1) of the South Carolina Appellate Court Rules (SCACR).

Third, since the opinion of this Court was filed on February 7, 2018, this petition is untimely. Rule 221 of the South Carolina Appellate Court Rules ("Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.").

Finally, when no petition for rehearing was received within the time period specified by Rule 221, SCACR, the remittitur was sent to the circuit court on February 23, 2018. 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).

I have enclosed a copy of the first page of your petition for rehearing showing the date it was received. If you would like a complete copy of the petition and attachments, I can provide a copy for \$ 9.45. This represents the cost of copying 33 pages at our standard rate of 25 cents a page plus a mailing fee of \$1.20. If you would like a copy (or multiple copies for the same price per copy), please send a check or money order payable to the South Carolina Judicial Department. I note that this document is available without charge on the public access version of our Appellate Case Management System at [www.sccourts.org/ACMs](http://www.sccourts.org/ACMs).

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: Jessica Elizabeth Kinard, Esquire (with copy of petition without enclosures)  
Robert M. Pachak, Esquire (with copy of petition without enclosures)  
Alan McCrory Wilson, Esquire