

The Supreme Court of South Carolina

The State, Respondent,

v.

August Byron Kreis, III, Petitioner.

Appellate Case No. 2017-002589

Lower Court Case Nos. 2015GS3202030,
2015GS3202034, and 2015GS3202036

ORDER

While the appeal in this matter was pending before the South Carolina Court of Appeals,¹ the Court of Appeals denied petitioner's request to relieve appointed counsel and appoint new counsel. Petitioner subsequently asked this Court to review this interlocutory ruling by the Court of Appeals.

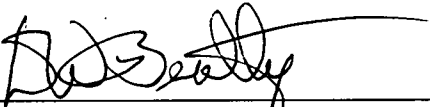
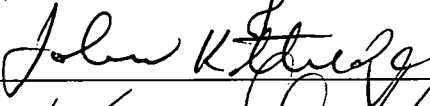

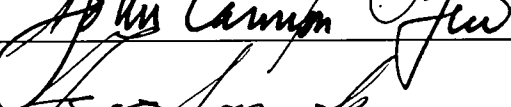

By order dated January 5, 2018, this motion was denied without prejudice to petitioner's ability to seek review in the manner specified by Rule 242 of the South Carolina Appellate Court Rules (SCACR) once the Court of Appeals issued a final decision resolving the appeal.

Petitioner has filed a petition for rehearing regarding this Court's order.² Since the order of January 5, 2018, did not have the effect of finally deciding the underlying appeal, no petition for rehearing can be filed regarding this order. Rule 240(i), SCACR. Accordingly, the petition for a rehearing is hereby stricken and

¹ Appellate Case Number 2015-002340.

² After the filing of the petition for rehearing with this Court, the Court of Appeals filed an opinion resolving the appeal and the remittitur was sent to the circuit court on February 16, 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).

dismissed. The request that Chief Justice Beatty recuse himself in this matter is denied.

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|  | C.J. |
|  | J. |
|  | J. |
|  | J. |
|  | J. |

Columbia, South Carolina
May 8, 2018

cc: Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Vann Henry Gunter, Jr., Esquire
Samuel R. Hubbard, III, Esquire
The Honorable Jenny Abbott Kitchings