

The Supreme Court of South Carolina

The State, Respondent,

v.

Marco Delaney Bates, Petitioner.

Appellate Case No. 2018-000870

Lower Court Case Nos. 1997GS4202599 and
1998GS4202419

ORDER

By order dated April 19, 2018, 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 May 7, 2018.¹

Petitioner has now filed a motion seeking an extension of time to seek review of the decision of the Court of Appeals.

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 that can be reviewed by this Court. Therefore, there is no reason for an extension to be granted.

Further, when no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case, and no further motion can be considered by either appellate court. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

¹ Before the Court of Appeals, the Appellate Case Number was 2018-000446.

Accordingly, the motion for an extension is denied.


Columbia, South Carolina
May 11, 2018



FOR THE COURT C.J.

cc: Barry Joe Barnette, Esquire
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Jenny Abbott Kitchings, Esquire
Mr. Marco Bates, 249552