

The Supreme Court of South Carolina

David Scot Lynd, Petitioner,

v.

Isle of Palms, Dawn Caldwell, individually and in her capacity as an officer of the Isle of Palms Police Department, and South Carolina Law Enforcement Division, Respondents.

Appellate Case No. 2018-000817

RECEIVED

MAY 11 2018

SC Court of Appeals

ORDER

The appeal in this case is pending before the South Carolina Court of Appeals. By order dated March 22, 2018, the Court of Appeals dismissed the Isle of Palms and Dawn Caldwell in her official capacity as parties to the appeal, required petitioner to serve and file an amended brief, and denied petitioner's request to require electronic notification of filings. While a petition for rehearing has been received by the Court of Appeals, the Court of Appeals has not made any ruling on this petition.¹

Petitioner has now filed a document entitled "writ of cert & notice of appeal" seeking review in this case.

Under Rule 242(a) and (c) of the South Carolina Appellate Court Rules (SCACR), this Court will only review a final decision of the Court of Appeals, and a decision of the Court of Appeals is not final for the purposes of review until a petition for rehearing or reinstatement has been acted on by the Court of Appeals. Since no petition for rehearing has been ruled on by the Court of Appeals, there is no final decision of the Court of Appeals for this Court to review. Therefore, to the extent that petitioner may be trying to seek review of the order of the Court of Appeals

¹ Before the Court of Appeals, the Appellate Case Number is 2016-002024.

dated March 22, 2018, that request is dismissed without prejudice to timely seek review once a final decision has been issued by the Court of Appeals.

To the extent petitioner may be asking this Court to review the actions of the Clerk of the Court of Appeals, the request is denied. Instead, if petitioner believes that the Clerk of the Court of Appeals has committed error in the processing of the appeal, then that is a matter that petitioner will need to raise in the first instance to the Court of Appeals by appropriate motion.

Finally, to the extent that petitioner may be asking this Court to certify the appeal for review by this Court under Rule 204(b), SCACR, the request is denied.



FOR THE COURT C.J.

Columbia, South Carolina
May 9, 2018

cc: James Jordan Johnson, Esquire
David Leon Morrison, Esquire
Timothy Alan Domin, Esquire
Christopher Thomas Dorsel, Esquire
Sandra J. Senn, Esquire
Mr. David Scot Lynd
The Honorable Jenny Kitchings