

The Supreme Court of South Carolina

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MAY 25 2018

SC Court of Appeals

Michael L. Sgro, Petitioner,

v.

State of South Carolina and Town of Surfside Beach,
Respondents.

Appellate Case No. 2018-000926

Lower Court Case No. 2012CP2609486

ORDER

By order dated January 4, 2018, the South Carolina Court of Appeals dismissed the appeal in this matter. It subsequently denied a motion to reinstate by order dated March 22, 2018, and sent the remittitur to the circuit court on May 1, 2018.

Petitioner has now filed a document with this Court referencing Rule 243 of the South Carolina Appellate Court Rules (SCACR).¹ This document, which was received in an envelope post-marked May 17, 2018, has been construed as a petition for a writ of certiorari to review the decision of the Court of Appeals under Rule 242, SCACR.

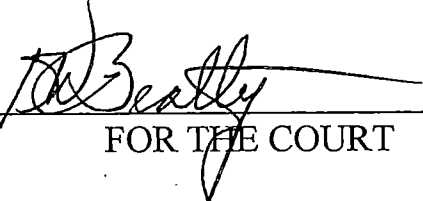
The petition is dismissed for several reasons. First, petitioner has failed to provide a proof of service showing that a copy of the petition has been served on the opposing counsel as required by Rule 242(c), SCACR. Second, petitioner has failed to file and serve an appendix having all of the content specified by Rule 242(e), SCACR.

¹ Rule 243 provides for review of decisions issued under the South Carolina Uniform Post-Conviction Procedure Act. Since this case apparently arises out of a direct appeal from a criminal case before a magistrate, Rule 243 is inapplicable to this case.

Third, since the motion to reinstate was denied on March 22, 2018, any petition for a writ of certiorari had to be served and filed by April 23, 2018. Rule 242(c), SCACR. Therefore, the petition for a writ of certiorari is untimely.

Finally, and most importantly, when petitioner failed to file a timely petition for a writ of certiorari with this Court, the Court of Appeals properly sent the remittitur under Rule 221(b), SCACR. The sending of the remittitur ended appellate jurisdiction of this case. *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.



FOR THE COURT C.J.

Columbia, South Carolina
May 24, 2018

cc: Maronee Elizabeth Pitcher, Esquire
Mr. Michael Louis Sgro
The Honorable Jenny Kitchings