

The Supreme Court of South Carolina

Keviuntae Hytower, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000806

Lower Court Case No. 2015CP2607674

ORDER

By order filed on May 9, 2018, this appellate case was dismissed. When no petition for rehearing was received by this Court within fifteen (15) days of the date of filing of the dismissal order, the remittitur was sent to the circuit court on May 25, 2018. Rule 221(b) of the South Carolina Appellate Court Rules (SCACR).

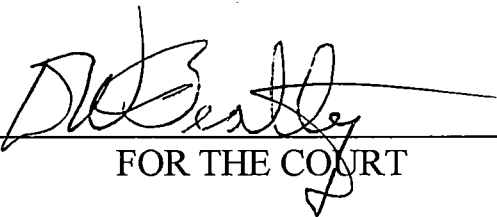
On May 31, 2018, this Court received a document from petitioner that was construed as a petition for rehearing. This document was received in an envelope post-marked May 29, 2018.

The petition for rehearing is hereby stricken and dismissed for two reasons.

First, contrary to petitioner's assertion in his letter dated May 31, 2018, the time to make a petition for rehearing is not based on when he received a copy of the dismissal order, but instead is based on date of filing of the order of dismissal. Rule 221(a), SCACR ("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."). Therefore, the petition is untimely.

Second, and more importantly, the remittitur has been properly sent under Rule 221(b), SCACR. Since 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),

the petition for rehearing cannot be considered by this Court.



FOR THE COURT C.J.

Columbia, South Carolina
June 07, 2018

cc: Alan McCrory Wilson, Esquire
Mr. Keviuntae Hytower