

The Supreme Court of South Carolina

David D. Smith, Petitioner,

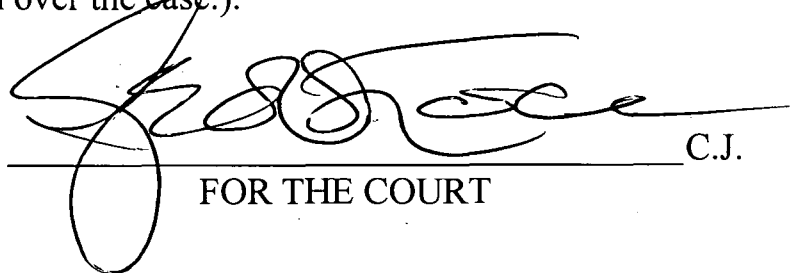
v.

Willie Eagleton, et al. Respondents.

Appellate Case No. 2012-213487

ORDER

By order dated December 3, 2012, this matter was dismissed on the basis that it was not properly before this Court since no petition for rehearing or reinstatement was filed and acted upon in the Court of Appeals and the remittitur has been sent to the lower court. Petitioner has now filed a petition and petition for rehearing *en banc*. The petitions are denied, as petitioner has failed to identify any points of merit that this Court overlooked or misapprehended. *See* Rule 242, SCACR (The Supreme Court will not review decisions of the Court of Appeals where no petition for rehearing or reinstatement was filed and acted upon by the Court of Appeals.); *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007) (When the remittitur has been properly sent to the lower court, for instance when no petition for reinstatement has been filed within the required time period, the appellate courts no longer have jurisdiction over the case.).


C.J.
FOR THE COURT

Columbia, South Carolina

January 10, 2013

cc:

The Honorable Jenny Abbott Kitchings

Christopher D. Florian
David Dwight Smith, 00245760
William B. Funderburk
J. Michael Baxley