

The Supreme Court of South Carolina

RECEIVED

Tyrone Lamar Roberson, #191327, Petitioner,

JUL 26 2018

v.

SC Court of Appeals

South Carolina Attorney General, Alan Wilson; "private party Defendants of Perry Correctional Institution," Warden Larry Cartledge; Associate Warden Stephen Clayton; "private party Defendants of McCormick Corrections Institution," Warden Leroy Cartledge; Associate Warden James Parker, Jr.; Lieutenant Stanley Terry; Nurse Tarcia L. James; "third-party Defendants South Carolina Department of Corrections"; State Budget and Control Board Committee, Commissioner of the Palmetto Unified School District No.#1 Board of Trustee Director; Bryan Stirling, Defendants,

Of whom South Carolina Attorney General, Alan Wilson, is the Respondent.

Appellate Case No. 2018-001359

Lower Court Case No. 2017CP2303406

ORDER

By order dated July 5, 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 July 23, 2018.¹

On July 24, 2018, this Court received a document entitled "Appeal from the South Carolina Court of Appeal[s] July 5, 2018 order." Since a decision of the Court of Appeals is reviewed by a petition for a writ of certiorari, this document has been

¹ Before the Court of Appeals, the Appellate Court Case Number was 2018-000478.

construed as a petition for a writ of certiorari. This 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 opposing counsel and the Court of Appeals as required by Rule 242(c) of the South Carolina Appellate Court Rules (SCACR).

Second, under Rule 242(a), 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 for this Court to review.

Third, 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. *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.

Finally, to the extent petitioner may be requesting any other relief from this Court, that request is dismissed since petitioner has failed to provide the filing fee and affidavit required by this Court's order dated April 7, 2011.



FOR THE COURT C.J.

Columbia, South Carolina
July 25, 2018

cc: Stephanie Holmes Burton, Esquire
Mr. Tyrone Lamar Roberson, #191327