

The Supreme Court of South Carolina

Tony Moore, Jr., #188313, Petitioner,

v.

South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2018-001486

Lower Court/Tribunal No. 2015ALJ150015AP

ORDER

In an opinion filed on June 13, 2018, the South Carolina Court of Appeals affirmed the judgment of the Administrative Law Court in this case. When no petition for rehearing was received, the Court of Appeals sent the remittitur on June 29, 2018.¹

Petitioner has now filed a *pro se* motion to allow the late filing of a petition for a writ of certiorari to review the decision of the South Carolina Court of Appeals in this matter. The motion is denied for several reasons.

First, petitioner has failed to serve a copy of this motion on the opposing counsel as required by Rule 240(c)(1) of the South Carolina Appellate Court Rules (SCACR).


Second, under Rule 242(a) of the South Carolina Appellate Court Rules (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 has been ruled on by the Court of Appeals, there is no final decision which can be reviewed by this Court.

Finally, when no petition for rehearing was received by the Court of Appeals, the

¹ Before the Court of Appeals, the Appellate Case Number was 2016-000261.

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). Therefore, the motion cannot be considered by this Court.

Accordingly, the petition to file a late petition for a writ of certiorari is denied.



FOR THE COURT C.J.

Columbia, South Carolina
August 14, 2018

cc: Joshua Snow Kendrick, Esquire
Christopher Shannon Leonard, Esquire
Tommy Evans, Jr., Esquire
Tony Moore, Jr., #18831 3
The Honorable Jenny Abbott Kitchings
The Honorable Jana E. Shealy