

The Supreme Court of South Carolina

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David Scot Lynd, Petitioner,

OCT 10 2018

v.

SC Court of Appeals

Dawn Caldwell, individually and in her capacity as an officer of the Isle of Palms Police Department, and South Carolina Law Enforcement Division, Defendants,

Of Whom Dawn Caldwell, individually, and the South Carolina Law Enforcement Division are Respondents.

Appellate Case No. 2018-001754

ORDER

In March 2018, the Court of Appeals dismissed Isle of Palms and Dawn Caldwell, in her capacity as an officer of the Isle of Palms Police Department, as parties in this appeal, and a petition for a writ of certiorari to review that decision is pending before this Court in *David Scot Lynd v. Isle of Palms*, Appellate Court Case Number 2018-001485.

On August 24, 2018, the Court of Appeals dismissed the remaining part of the appeal based on petitioner's failure to file an amended brief. While petitioner has attempted to file what appears to be a petition for rehearing or reinstatement regarding the August 24, 2018 order, the Court of Appeals has not ruled on that petition, but instead has identified a deficiency that must be corrected.¹

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 or reinstatement has been ruled on by the Court of Appeals

¹ Before the Court of Appeals, the Appellate Court Case Number is 2016-002024.

regarding the order of August 24, 2018, there is no final decision for this Court to review.

Accordingly, the petition for a writ of certiorari in this case is dismissed without prejudice to petitioner's ability to timely serve and file a petition for a writ of certiorari if a proper petition for rehearing or reinstatement is ruled on by the Court of Appeals.



FOR THE COURT

C.J.

Columbia, South Carolina
October 9, 2018

cc: James Jordan Johnson, Esquire
David Leon Morrison, Esquire
Timothy Alan Domin, Esquire
Christopher Thomas Dorsel, Esquire
Sandra J. Senn, Esquire
Mr. David Scot Lynd
The Honorable Jenny Abbott Kitchings