

# The Supreme Court of South Carolina

The State, Respondent,

v.

Linbert Rhames, Petitioner.

Appellate Case No. 2018-002203

Lower Court Case No. 1999GS1400429

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## ORDER

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After conducting a review pursuant to *Anders v. California*,<sup>1</sup> the South Carolina Court of Appeals dismissed the appeal in this criminal case and relieved petitioner's counsel. *State v. Rhames*, Op. No. 2004-UP-234 (S.C. Ct. App. filed March 31, 2004). The Court of Appeals sent the remittitur in this appeal on May 4, 2004.<sup>2</sup>

Petitioner has now filed a document asking this Court to review the decision of the South Carolina Court of Appeals. This document was received on December 14, 2018.

Since a decision of the Court of Appeals is reviewed by a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), this document has been construed a petition for a writ of certiorari. This petition is dismissed for several reasons.

First, petitioner has failed to serve the counsel for the State with a copy of this petition as required by Rule 242(c), SCACR.

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<sup>1</sup> 386 U.S. 738 (1967).

<sup>2</sup> Before the Court of Appeals, the Appellate Case Number was 2003-025992.

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 has been ruled on by the Court of Appeals in this case, there is no final decision for this Court to review.


Further, when no petition for rehearing 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). Therefore, the petition cannot be considered by this Court.

Finally, in *State v. Lyles*, 381 S.C. 442, 673 S.E.2d 811 (2009), this Court held that it "will no longer entertain petitions for writs of certiorari where the Court of Appeals has dismissed an appeal after conducting an *Anders* review." Therefore, there can be no review of the opinion of the Court of Appeals in this case.

Accordingly, the petition for a writ of certiorari is dismissed.



Columbia, South Carolina  
December 18, 2018

  
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FOR THE COURT  
Kittredge, J., not participating

C.J.

cc: Office of the Attorney General  
Mr. Linbert Rhames  
The Honorable Jenny Abbott Kitchings