

The Supreme Court of South Carolina

The State, Respondent,

v.

Homer Arthur James, Petitioner.

Appellate Case No. 2019-000207

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FEB 21 2019

SC Court of Appeals

ORDER

In an opinion filed on January 23, 2019, the South Carolina Court of Appeals affirmed the conviction and sentence in this case. When no petition for rehearing was received, the Court of Appeals sent the remittitur on February 11, 2019.¹ Petitioner has now filed a petition for a writ of certiorari dated February 12, 2019, seeking review of the decision of the South Carolina Court of Appeals in this matter.

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 in this matter, 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*

¹ Before the Court of Appeals, the Appellate Court Case Number was 2016-002046.

Corr., 372 S.C. 173, 642 S.E.2d 551 (2007).

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



FOR THE COURT C.J.

February 20, 2019
Columbia, South Carolina

cc: David Alexander, Esquire
Alan McCrory Wilson, Esquire
Vann Henry Gunter, Jr., Esquire
James Strom Thurmond, Jr., Esquire
The Honorable Jenny Abbott Kitchings
Mr. Homer Arthur James