

The Supreme Court of South Carolina

The State, Respondent,

v.

Ronald Douglas Michaux, Jr., Petitioner.

Appellate Case No. 2019-000357

Lower Court Case No. 2014GS3202606

ORDER

In an opinion filed on December 5, 2018, the South Carolina Court of Appeals affirmed the conviction in this criminal case. When no petition for rehearing was received regarding the opinion, the Court of Appeals sent the remittitur on December 27, 2018.

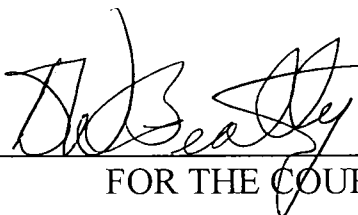
Petitioner has filed a notice of appeal seeking review of the decision of the Court of Appeals. This document is dated February 15, 2019. Since review of a decision of the Court of Appeals is sought by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), the notice of appeal has been construed as a petition for a writ of certiorari.

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 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*

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.

Columbia, South Carolina

March 13, 2019

cc: Taylor Davis Gilliam, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire
Samuel R. Hubbard, III, Esquire
The Honorable Jenny Abbott Kitchings
Mr. Ronald D. Michaux, Jr.