

# The Supreme Court of South Carolina

Wesley Edward Smith III, aka Wesley Smith Appellant,

v.

Charleston County School District, et. al., Respondent.

Appellate Case No. 2019-001315

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## ORDER

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By order dated July 17, 2019, the South Carolina Court of Appeals dismissed the appeal in this matter.<sup>1</sup> Petitioner has now filed documents seeking review of the decision of the Court of Appeals.<sup>2</sup> 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), these documents have 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 or reinstatement has been ruled on by the Court of Appeals, there is no final decision for this Court to review.

Accordingly, the petition for a writ of certiorari is dismissed without prejudice to petitioner's ability to timely serve and file a petition for a writ of certiorari and appendix if a petition for rehearing or reinstatement is ruled on by the Court of Appeals. If such a petition and appendix is filed, petitioner is warned that the

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number is 2019-000616.

<sup>2</sup> These documents also seek a rehearing of the order of the Court of Appeals. Since this request is more appropriately considered by the Court of Appeals, this Court will take no action on this request.

petition and appendix will need to fully comply with the requirements of Rule 242, SCACR, including the filing fee required by that rule.

Finally, to the extent that petitioner may be asking this Court to issue a writ of habeas corpus, that request is stricken and dismissed since petitioner has failed to provide the affidavit and motion filing fee required by this Court's order dated November 17, 2010.<sup>3</sup>

  
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FOR THE COURT C.J.

Columbia, South Carolina  
August 9, 2019

cc: Daniel Francis Blanchard, III, Esquire  
Wesley Edward Smith, III, Esquire  
The Honorable Jenny Abbott Kitchings

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<sup>3</sup> This order was issued in Appellate Court Case Number 2010-174266. While that order referenced the fact that the motion filing fee was then \$25, the motion filing fee under Rule 240, is now \$50. Order of the Supreme Court dated October 9, 2018 (available at [www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2335](http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2335)).