

The Supreme Court of South Carolina

Tyrone Perry, #307793, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2019-001227

ORDER

By order dated July 16, 2019, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on August 1, 2019.¹

Petitioner has now filed a notice of appeal and an initial brief with this Court. These documents are dated July 22, 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), this notice of appeal and initial brief have been construed as a petition for a writ of certiorari.

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 or reinstatement was received by the Court of Appeals, the Court of Appeals 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).

¹ Before the Court of Appeals, the Appellate Case Number was 2019-000297.

Accordingly, the petition for a writ of certiorari is dismissed. The motion to proceed *in forma pauperis* is denied as moot.



FOR THE COURT C.J.

Columbia, South Carolina
August 27, 2019

cc: Christina Catoe Bigelow, Esquire
The Honorable Jenny Abbott Kitchings
Mr. Tyrone Perry