

The Supreme Court of South Carolina

Theryl Taylor, Petitioner,

v.

Pamela Smith and Sherman Anderson, Respondents.

Appellate Case No. 2019-001458

ORDER

By order dated July 11, 2019, the South Carolina Court of Appeals dismissed the appeal in this case. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on July 29, 2019.¹

Petitioner has now filed a notice of appeal seeking review of the decision of the South Carolina Court of Appeals. 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 has been construed as a petition for a writ of certiorari.

The petition is dismissed for several reasons. First, petitioner has failed to provide the filing fee required by Rule 242(c), SCACR. Second, the petition does not have the content required by Rule 242(d), SCACR. Third, petitioner has failed to file an appendix having the content specified by Rule 242(e), SCACR.

Fourth, 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 in this matter, there is no final decision for this

¹ Before the Court of Appeals, the Appellate Case Number was 2019-000826.

Court to review.

Finally, when no petition for rehearing or reinstatement 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
September 4, 2019

cc: Claude E. Hardin, Jr., Esquire
The Honorable Jenny Abbott Kitchings
Mr. Theryl Taylor