

The Supreme Court of South Carolina

Tyrone Lamar Roberson, Petitioner,

v.

South Carolina Attorney General, Alan Wilson; "private party Defendants of Perry Correctional Institution," Warden Larry Cartledge; Associate Warden Stephen Clayton; "private party Defendants of McCormick Corrections Institution," Warden Leroy Carledge; Associate Warden James Parker, Jr.; Lieutenant Stanley Terry; Nurse Tarcia L. James; "third-party Defendants South Carolina Department of Corrections"; State Budget and Control Board Committee, Commissioner of the Palmetto Unified School District No. #1 Board of Trustee Director; Bryan Stirling, Respondents.

Appellate Case No. 2019-001625

Lower Court Case No. 2017CP2303406

ORDER

By order dated September 11, 2019, the South Carolina Court of Appeals dismissed the notice of appeal in this case.¹ Petitioner has now filed a document entitled "Notice of Appeal" seeking review of the decision of the 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 document has been construed as a petition for a writ of certiorari. The petition is dismissed for several reasons.

First, petitioner has failed to pay the \$250 filing fee required by Rule 242(c), SCACR, or to file a motion with this Court seeking a waiver of that fee.

¹ Before the Court of Appeals, the Appellate Case Number was 2019-001122.

Second, 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 which can be reviewed by this Court.

Accordingly, the petition for a writ of certiorari is dismissed. This dismissal is without prejudice to petitioner's ability to seek review in the manner specified by Rule 242, SCACR, if a timely petition for rehearing is ruled on by the Court of Appeals.



FOR THE COURT C.J.

Columbia, South Carolina
September 27, 2019

cc: Stephanie Holmes Burton, Esquire
Mr. Tyrone Lamar Roberson, 191327
The Honorable Jenny Abbott Kitchings