

# The Supreme Court of South Carolina

John Stritzinger, Petitioner,

v.

South Carolina, Respondent.

Appellate Case No. 2019-001852

Lower Court Case No. 2018CP4002738

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## ORDER

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By order dated October 17, 2019, the Clerk of the South Carolina Court of Appeals dismissed the appeal in this case. When no petition for reinstatement was received, the Court of Appeals sent the remittitur to the circuit court on November 4, 2019.<sup>1</sup>

Petitioner has now filed a notice of appeal seeking review of this dismissal. Since a decision of the Court of Appeals is reviewed by 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.

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 regarding the dismissal order, there is no final decision for this Court to review.

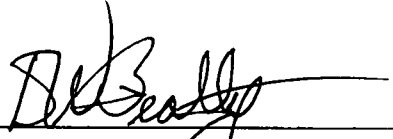
Further, when no petition for rehearing or reinstatement was received by the Court of Appeals after the issuance of the order of dismissal, the Court of Appeals properly sent the remittitur. Rules 221 and 260(a), SCACR. The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. S.C. Dept. of Corr.*,

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2018-002162.

372 S.C. 173, 642 S.E.2d 551 (2007).

Accordingly, the petition for a writ of certiorari is dismissed.

  
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FOR THE COURT

C.J.

Columbia, South Carolina  
November 13, 2019

cc: Gregory E. Parker, Jr., Esquire  
Larry Cornell Smith, Esquire  
Mr. John S. Stritzinger  
The Honorable Jenny Abbott Kitchings