

# The Supreme Court of South Carolina

Terron Dizzley, #359480, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2019-001985

Lower Court Case No. 2018CP35000058

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## ORDER

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By order dated October 25, 2019, the South Carolina Court of Appeals dismissed the appeal in this matter. Under Rule 221 of the South Carolina Appellate Court Rules (SCACR), any petition for rehearing regarding that dismissal had to be actually received by the Court of Appeals on or before November 12, 2019. When no petition for rehearing or reinstatement was received by that date, the Court of Appeals sent the remittitur to the circuit court on November 13, 2019.<sup>1</sup>

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Petitioner has now filed documents with this Court which have been construed as a petition for a writ of certiorari to review the decision of the South Carolina court of Appeals in this matter.

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 Court to review.<sup>2</sup>

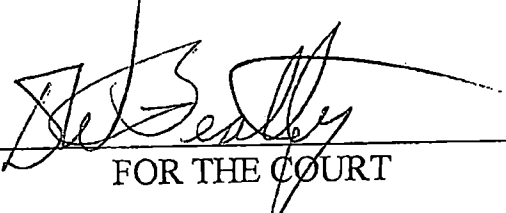
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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number was 2019-001077.

<sup>2</sup> On November 15, 2019, the Court of Appeals did receive a document entitled "Objections to Order of Dismissal." This document is dated November 12, 2019, and was received in an envelope post-marked on November 13, 2019. The

Further, when no petition for rehearing or reinstatement was timely 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).

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

  
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FOR THE COURT C.J.

Columbia, South Carolina  
December 04, 2019

cc: Steven Michael Pruitt, Esquire  
Mr. Terron Dizzley, 359480  
The Honorable Jenny Abbott Kitchings

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envelope also shows that it was received by the prison mailroom on November 13, 2019. Since the remittitur had been sent, the Court of Appeals returned this document to petitioner without action.