

The Supreme Court of South Carolina

Michael Braxton, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-001015

ORDER

On July 1, 2020, the South Carolina Court of Appeals issued a decision in this matter. *Braxton v. South Carolina Department of Corrections*, Op. 5737 (S.C. Ct. App. filed July 1, 2020). When no petition for rehearing was received, the Court of Appeals sent the remittitur on July 23, 2020. Petitioner has now filed a notice of appeal dated July 23, 2020, which is construed as a petition for a writ of certiorari seeking review of the decision of the South Carolina Court of Appeals in this matter.

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 has been acted on by the Court of Appeals. Rule 242(c), SCACR. Since no petition for rehearing 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 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).

Accordingly, petitioner's notice of appeal is dismissed.

FOR THE COURT

BY  _____
DEPUTY CLERK

Columbia, South Carolina

July 29, 2020

cc:

Salley W. Elliott, Esquire
Christina Catoe Bigelow, Esquire
Annie Laurie Rumler, Esquire
Jenny Abbott Kitchings, Esquire
Michael Braxton, #119081