

The Supreme Court of South Carolina

Aspyre Assembly Station, Respondent,

v.

Travis Stewart, Petitioner.

Appellate Case No. 2020-001093

ORDER

By order dated March 3, 2020, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for reinstatement or rehearing was received, the Court of Appeals sent the remittitur on April 23, 2020. On June 24, 2020, petitioner filed a motion to recall the remittitur, for a stay, and to proceed in *forma pauperis*. The Court of Appeals denied the motions on July 2, 2020, and no petition for rehearing was filed regarding that order.¹

Petitioner has now filed a notice of appeal seeking review of the decision of the South Carolina Court of Appeals in this matter, and this notice has been construed as a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR).² The petition is dismissed for several reasons:

First, Petitioner has failed to file a petition having the content required by Rule 242(d), SCACR.

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

¹ Before the Court of Appeals, the Appellate Case Number was 2019-000422.

² Petitioner has also filed an amended notice of appeal, which this Court received on August 17, 2020.

ruled on by the Court of Appeals as to either the dismissal order or the order denying the motion to recall the remittitur and other motions, there is no final decision for this Court to review.

Finally, when no timely petition for reinstatement or rehearing was filed regarding the order of dismissal, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. The sending of the remittitur ended appellate jurisdiction over this case, and no further motion or petition can be considered. *Stogsdill v. S.C. Dep't of Health & Human Servs.*, 415 S.C. 568, 784 S.E.2d 669 (2016); *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.



C.J.

FOR THE COURT

Columbia, South Carolina
August 24, 2020

cc: Thomas I. Howard, Jr., Esquire
Mr. Travis Stewart
The Honorable Jenny Abbott Kitchings