

The Supreme Court of South Carolina

Thomas Thompson, # 80681, Petitioner,

v.

South Carolina Department of Probation, Pardon and
Parole Services, Respondent.

Appellate Case No. 2020-001344

ORDER

On May 27, 2020, the South Carolina Court of Appeals issued an opinion affirming the Administrative Law Court's decision in this matter. *Thompson v. South Carolina Dept of Probation, Parole and Pardon Serv's*, Op. No. 2020-UP-157 (S.C. Ct. App. filed May 27, 2020).¹ The Court of Appeals denied petitioner's petition for rehearing by order dated August 31, 2020, and the Court of Appeals sent the remittitur on October 9, 2020.

Petitioner has now filed a petition for a writ of certiorari seeking review of the decision of the South Carolina Court of Appeals. The petition is dismissed for three reasons.

First, the petition for a writ of certiorari is dated October 1, 2020, and the proof of service for this petition indicates the petition was placed in the United States Mail on October 1, 2020.² Since the time to serve and file the petition for a writ of certiorari expired on September 30, 2020, the petition is untimely. Rule 242(c) of South Carolina Appellate Court Rules (SCACR) (providing a petition for a writ of certiorari must be served and filed "with proof of service with the Clerk of the Court of Appeals and the Clerk of the Supreme Court within thirty (30) days after the petition for rehearing or reinstatement is finally decided by the Court of

¹ Before the Court of Appeals, the Appellate Case Number was 2018-001557.

² The envelope containing the petition shows it was received by the prison mailroom on October 6, 2020, and is post-marked October 6, 2020.

Appeals"); Rule 262(a)(2) and (b), SCACR (providing that a document may be considered filed and served the day it is deposited in the U.S. Mail).

Second, the Court of Appeals sent the remittitur on October 9, 2020. The sending of the remittitur ended appellate jurisdiction over this case.³ Rule 221, SCACR; *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Finally, petitioner has failed to pay the \$250 filing fee required by Rule 242(c), SCACR, or move to proceed *in forma pauperis* before this Court.

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



FOR THE COURT C.J.

Columbia, South Carolina
October 15, 2020

cc: Tommy Evans, Jr., Esquire
John Benjamin Aplin, Esquire
The Honorable Jenny Abbott Kitchings
Thomas Thompson, #80681

³ While this Court received the petition for a writ of certiorari on October 8, 2020, there is no indication in Appellate Case Number 2018-001557 that the Court of Appeal received a copy of the petition before sending the remittitur.