

# The Supreme Court of South Carolina

Kevin Herriott, #313862, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2021-000124

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## ORDER

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By order dated January 27, 2021, the South Carolina Court of Appeals dismissed the appeal in this matter.<sup>1</sup> Petitioner has now filed a notice of appeal, which this Court received on February 5, 2021, seeking review of the decision of the South Carolina Court of Appeals. This notice has been construed as a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR).

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.

Accordingly, the petition for a writ of certiorari is dismissed. This is without prejudice to petitioner's ability to timely seek review in the manner specified by Rule 242, SCACR, if a petition for rehearing is timely made and ruled on by the Court of Appeals.

  
FOR THE COURT

C.J.

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<sup>1</sup> The Appellate Case Number before the Court of Appeals was 2020-001534.

Columbia, South Carolina  
February 16, 2021

cc:

Kevin Herriott, 313862

Christina Catoe Bigelow, Esquire