

The Supreme Court of South Carolina

Robert Wazney #363679, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2021-000223

ORDER

Petitioner requests this Court exercise its discretion and accept a petition for a writ of certiorari to review the decision of the South Carolina Court of Appeals in Appellate Case Number 2020-000995, even though the petition was not served or filed until after the Court of Appeals sent the remittitur.¹ The motion is denied and stricken.

Under Rule 242(c), of the South Carolina Appellate Court Rules "[a] petition for writ of certiorari shall be served on opposing counsel 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 Appeals."). After petitioner failed to serve and file his petition for a writ of certiorari within thirty days of the denial of the petition for rehearing, the Court of Appeals properly sent the remittitur. Rule 221(b), SCACR. When the remittitur has been properly sent, appellate jurisdiction over the case has ended 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).

¹ The Court of Appeals denied the petition for rehearing in this case on December 22, 2020; therefore any petition for a writ of certiorari was required to be served and filed by January 21, 2021. The Court of Appeals did not send the remittitur until February 3, 2021. The Court of Appeals received petitioner's petition for a writ of certiorari, which was dated January 28, 2021, on February 4, 2021. Petitioner never filed the petition with this Court.


C.J.
FOR THE COURT

Columbia, South Carolina
April 12, 2021

cc:
Salley W. Elliott, Esquire
Robert William Wazney, 00363679