

The Supreme Court of South Carolina

The State, Respondent,

v.

Eddie Blash Jr., Petitioner.

Appellate Case No. 2013-000730

Lower Court Case No. 2000-GS-21-00839

RECEIVED

APR 15 2013

SC Court of Appeals

ORDER

By order dated November 1, 2012, the South Carolina Court of Appeals dismissed the appeal in this matter.¹ On February 11, 2013, the Court of Appeals denied the petition for rehearing and the remittitur was sent on March 20, 2013. *State v. Blash*, Appellate Case No. 2012-213140.

Petitioner has now filed a document dated April 5, 2013, indicating that he is appealing the dismissal of the appeal by the Court of Appeals. This document was served on opposing counsel on April 5, 2013, and was received by this Court in an envelope post-marked April 8, 2013. Since decisions of the Court of Appeals are reviewed by serving and filing a petition for a writ of certiorari under Rule 242 of the South Carolina Appellate Court Rules (SCACR), this document has been construed as a petition for a writ of certiorari.

¹ The notice of appeal petitioner filed with the Court of Appeals uses the lower court case number of 2002-CP-21-01473. That post-conviction relief case was concluded by Opinion No. 2012-MO-00005 issued by this Court in *Blash v. State*, Appellate Case No. 2002-CP-21-01473. That opinion remanded for resentencing on the underlying criminal charge in 2000-GS-21-00839, and the discussion in the notice of appeal indicates that the appeal relates to this resentencing which occurred on May 8, 2012. Therefore, this matter actually involves 2000-GS-21-00839.

Under Rule 242(c), SCACR, the "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. " Therefore, the time to serve and file the petition for a writ of certiorari expired on March 13, 2013, and the petition for a writ of certiorari filed by petitioner is untimely.

Further, when no timely petition for a writ of certiorari was filed, the Court of Appeals sent the remittitur on March 20, 2013. Rule 221(b), SCACR ("[T]he Court of Appeals shall not send the remittitur to the lower court . . . until the time to petition for a writ of certiorari under Rule 242(c) has expired."). The sending of the remittitur ended appellate jurisdiction over this case. *Wise v. South Carolina Dept. of Corrections*, 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
April 12, 2013

cc: Robert Michael Dudek, Esquire
Salley W. Elliott, Esquire
David A. Spencer, Esquire
Henry Morris Anderson, Jr., Esquire
Mr. Eddie Blash, Jr., 00277603
The Honorable Jenny Abbott Kitchings
The Honorable Connie Reel-Shearin

FILED
4/18/13 AT