

The Supreme Court of South Carolina

Maurice L. Morant, #285174, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2013-000938

ORDER

By order dated January 25, 2013, the South Carolina Court of Appeals denied the petition for rehearing in this matter. The Court of Appeals sent the remittitur on March 8, 2013.¹


Petitioner has now sent this Court a petition for a writ of certiorari dated March 3, 2013. This document was received by this Court on May 3, 2013, in an envelope post-marked May 2, 2013.

Under Rule 242(c) of the South Carolina Appellate Court Rules (SCACR), any petition for a writ of certiorari had to be served on opposing counsel and filed with this Court by February 27, 2013. Therefore, the petition for a writ of certiorari is untimely and must be dismissed.

Further, when no petition for a writ of certiorari had been received by this Court, the Court of Appeals properly sent the remittitur on March 8, 2013. Rule 221(b), SCACR ("Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal 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. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

¹ Before the Court of Appeals, this case was Appellate Case No. 2011-186606.

Accordingly, the petition for a writ of certiorari is dismissed. The motion to proceed *in forma pauperis* is denied as moot.


C.J.
FOR THE COURT

Columbia, South Carolina

May 7th, 2013

cc: Christopher D. Florian, Esquire
Mr. Maurice L. Morant, 00285174
The Honorable Jana E. Shealy
The Honorable Jenny Kitchings