

The Supreme Court of South Carolina

The State, Respondent,

v.

Reginald Spellman, Petitioner.

Appellate Case No. 2013-001040

Lower Court Case No. 2010-GS-40-07590

ORDER

By order dated February 21, 2013, the South Carolina Court of Appeals dismissed the appeal in this matter. When no petition for rehearing or reinstatement was received, the Court of Appeals sent the remittitur on March 28, 2013. *State v. Spellman*, Appellate Case No. 2012-211767.

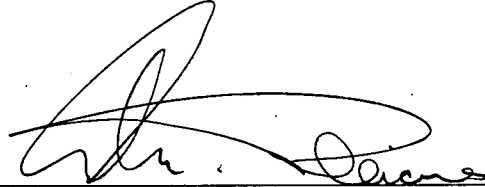
Petitioner has now filed a petition for a writ of certiorari seeking review of the decision of the South Carolina Court of Appeals in this matter. This petition was mailed to this Court on May 13, 2013.

Under Rule 242(a) of the South Carolina Appellate Court Rules (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.

Further, when no petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the remittitur. Rule 221, SCACR. 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).

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



FOR THE COURT

J.

Columbia, South Carolina

May 17, 2013.

cc: Robert Michael Dudek, Esquire
Salley W. Elliott, Esquire
Reynolds H. Blankenship, Jr., Esquire
Mr. Reginald Spellman, #251838
The Honorable Jeanette W. McBride
The Honorable Jenny Abbott Kitchings