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**Apr 24 2023**

**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

April 24, 2023

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: State v. Marquez D. Glenn  
Appellate Case No: 2020-001122

Dear Ms. Kitchings,

The State is in receipt of Appellant's Request to Recall Remittitur/File out of Time. Please accept this letter in lieu of a formal return. The State notes it received a copy of the Opinion via email on March 1, 2023, and counsel of record Christopher Brumback as well as Spencer Langley are both copied at their AIS provided email addresses. The State submits the proper standard for consideration of the motion was set forth in Wise v. S.C. Dep't of Corr., 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) ("When the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter. The only exception to this rule is when the remittitur is sent down by mistake, error or inadvertence of the Court."); State v. Keels, 39 S.C. 553, 17 S.E. 802 (1893) ("In order to justify this court in exercising the unusual power of recalling the remittitur after it has been sent down, a very strong showing would be required that the remittitur was sent down through some mistake or inadvertence on the part of this court or its officer. . . ."); see also, State v. Barnes, 413 S.C. 1, 4, 774 S.E.2d 454, 456 (2015) (finding recall of the remittitur only permissible "because of an error or inadvertence on the part of the Supreme Court").

Sincerely,

William M. Blitch, Jr.  
Senior Assistant Deputy Attorney General  
S.C. Bar: 15608

cc: Christopher T. Brumback, Esquire  
Spencer D. Langley, Esquire

## Caroline Collins

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**From:** Caroline Collins  
**Sent:** Monday, April 24, 2023 12:25 PM  
**To:** Christopher Brumback; spencer@brumbacklangley.com  
**Cc:** William Blich  
**Subject:** The State v. Marquez D. Glenn (2020-001122)  
**Attachments:** GLENN Marquez - Informal Return to Motion to Recall Remittitur - 2020-001122 (03273432xD2C78).PDF

Good Afternoon Mr. Brumback and Mr. Langley,

Attached please find the State's informal return to the motion to recall the Remittitur/file out of time. This document will be submitted to the South Carolina Court of Appeals today via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you,

**CAROLINE COLLINS**, Administrative Coordinator  
South Carolina Attorney General's Office  
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