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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Appellate Case No. 2020-000631

The Honorable George McFaddin

The State of South Carolina.....Respondent,

v.

Charles Davenport.....Appellant.

MOTION TO RECALL THE REMITTITUR

Undersigned counsel respectfully asks this Court to recall the remitter in this case. Counsel’s petition for rehearing, which was filed on March 24, 2023 was denied on April 20, 2023. Counsel did not receive notice of the denial. The remittitur was issued on June 12, 2023. Again, counsel did not receive notice of the denial. Respectfully, Appellant’s case raises important issues regarding criminal sentencing in this State and counsel intended to file for certiorari in the South Carolina Supreme Court. Counsel became aware of this issue on September 18, 2023. This Court is empowered to withdraw the remittitur “through some mistake or inadvertence on the part of [the] court or its officer...” *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1863). Respectfully, counsel asks this Court to withdraw the remittitur and allow counsel to petition for certiorari in the South Carolina Supreme Court.

Counsel has conferred with Mark Farthing of the South Carolina Attorney General’s Office and he has no objection to this request.

Respectfully submitted,

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