



The Supreme Court of South Carolina

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July 18, 2013

Mr. Tarone Devale Johnson, #260921
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

Re: Tarone D. Johnson v. State
Appellate Case No. 2013-000953

Dear Mr. Jonson:

This responds to your letter dated July 14, 2013.

As you know, this matter was dismissed by order dated June 10, 2013. Therefore, under Rule 221 of the South Carolina Appellate Court Rules (SCACR), any petition for rehearing had to be *actually received* by this Court on or before June 25, 2013.

This Court did not receive your motion entitled "Rule 59(e), SCRCPP, Motion to Alter or Amend and Ruled 52(b)(c) SCRCPP and Memorandum/exhibit" until June 26, 2013. Since this motion was not accompanied by a proof of service showing that it was served on opposing counsel as required by Rule 240(c)(1), SCACR, it was not a proper motion. *See also* Rule 240(g), SCACR (failure to comply with requirements of rule as an abandonment of the motion).

Additionally, on June 26, 2013, this Court sent the remittitur to the circuit court. While it is not clear whether your motion was received before or after the remittitur was placed in the United States Mail, your motion was not proper

because it lacked a proof of service showing that a copy had been served on opposing counsel, and the receipt of this motion did not prevent the remittitur from properly being sent. *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007) (a petition for reinstatement which is not accompanied by a proof of service is not a proper petition for reinstatement, and the remittitur may properly be sent). Further, the sending of the remittitur ended appellate jurisdiction over this case, and no further motion can be considered. *Id.*

Accordingly, no action will be taken on your motion since it was not accompanied by a proof of service and the remittitur has been sent.

Very truly yours,

A handwritten signature in black ink, appearing to be initials followed by a long horizontal stroke.

CLERK

cc: Ashleigh Rayanna Wilson, Esquire