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SC Court of Appeals



ALAN WILSON  
ATTORNEY GENERAL

June 24, 2024

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

Re: The State v. Maurice Durell Wigfall  
Appeal from Berkeley County  
Appellate Case No: 2023-000178

Dear Ms. Kitchings:

Respondent is in receipt of the motion filed on June 17, 2024, seeking to reinstate the referenced appeal. Please accept this letter in lieu of a formal return.

Appellant Wigfall, through new counsel, moves to reinstate his direct appeal that was dismissed on November 9, 2023, for failure to timely file a brief. Former counsel had been noticed of the deficiency prior to dismissal. (*See* Order, November 9, 2023, referencing “the Court’s letter of October 25, 2023”). Additionally, this Court noticed former counsel in the November order of dismissal that the remittitur would be issued pursuant to Rule 221(b), SCACR. Having received no motion thereafter, this Court properly issued the remittitur on December 5, 2023. Notably, Appellant asserts no disagreement with these facts. (Motion p. 2). Therefore, this Court cannot recall the remittitur as Appellant fails to make any showing of error on the part of this Court. *See State v. Keels*, 39 S.C. 553, 17 S.E. 802, 802–03 (1893) (remittitur may be recalled only when facts are shown “that the remittitur was sent down through some mistake or inadvertence on the part of this court or its officer”). It follows then that appellate jurisdiction has ended, and no motion may be considered in the matter. *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.”). Therefore, as there is no jurisdiction to rule on the motion to reinstate, the motion should be dismissed for that reason. *Id.*

Sincerely,

*s/Melody J. Brown*

Melody J. Brown  
Senior Assistant Deputy Attorney General

MJB/abb

cc: E. Charles Grose, Jr., Esquire (via email only)

**From:** [Angela Brown](#)  
**To:** [Charles Grose](#)  
**Cc:** [Melody Brown](#)  
**Subject:** The State v. Maurice Wigfall (2023-000178)  
**Date:** Monday, June 24, 2024 1:56:00 PM  
**Attachments:** [Wigfall, Maurice - Letter Return to Motion to Reinstate Appeal - June 24, 2024 \(03614194xD2C78\).PDF](#)  
[image001.png](#)

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Ms. Grose, please find attached the state's response to the motion to reinstate the above referenced appeal. The response will be filed with the South Carolina Court of Appeals on today's date.

Thank you,

**Angela Bennett Brown, Administrative Coordinator II**  
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