

The Supreme Court of South Carolina

James Kevin Holmes, Respondent,

v.

Cynthia Elaine Collie n/k/a Cynthia Elaine Holmes,
Petitioner.

Appellate Case No. 2025-000486

ORDER

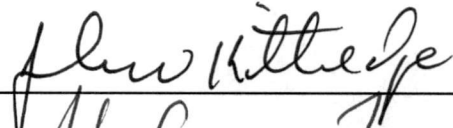
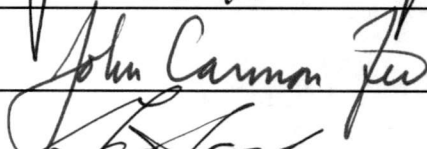
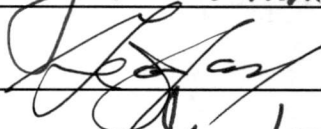

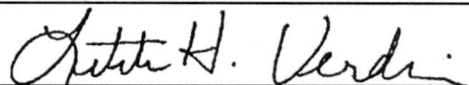
The court of appeals dismissed Petitioner's appeal in Appellate Case No. 2024-001450 because the underlying order of the circuit court referring the matter to a special referee was not immediately appealable. *Holmes v. Holmes*, S.C. Ct. App. Order dated September 10, 2024. The court of appeals denied rehearing on January 27, 2025, and sent the remittitur on March 5, 2025.

Petitioner filed a petition for a writ of certiorari on March 17, 2025. This Court dismissed the petition, holding that because the remittitur was sent, this Court lacked appellate jurisdiction. *Holmes v. Holmes*, S.C. Sup. Ct. Order dated March 17, 2025.

Petitioner has filed three motions: (1) an expedited motion for reconsideration and abeyance; (2) an appeal pursuant to S.C. Code § 14-3-350 and Rule 240(j), SCACR; (3) an expedited amended motion for reconsideration and abeyance; and (4) a second expedited amended motion for reconsideration and abeyance. We construe these collectively as a request to recall the remittitur in 2024-001450 to allow Petitioner to file a belated petition for a writ of certiorari.

Finding no error, mistake, or inadvertence by the court of appeals in sending the remittitur, we deny Petitioner's request to recall the remittitur. *See* Rule 221(b), SCACR (providing where a petition for rehearing has been denied, the court of appeals shall not send the remittitur to the lower court until the time to petition for a writ of certiorari under Rule 242(c), SCACR, has expired); Rule 242(c), SCACR

(providing a petition for a writ of certiorari shall be served on opposing counsel and filed with proof of service within thirty days after the petition for rehearing is finally decided by the court of appeals); *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) (holding when the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter unless the remittitur was sent down by mistake, error, or inadvertence of the appellate court).

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina
May 13, 2025

cc:
Cynthia E. Collie
Barry I. Baker
Kyle T. Varner
The Honorable Jenny Abbott Kitchings