

THE STATE of South Carolina)
County of Spartanburg)

In THE South Carolina
Supreme Court

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JUL 22 2025

GARY LAMONT PETTY
v.

S.C. SUPREME COURT

STATE of South Carolina

Motion to RECONSIDER AND RECALL
Remittitur

APPELLATE CASE # 2025-000831

PCR CASE # 2019-CP-42-04184

Petitioner asserts that this honorable Court should recall the remittitur pursuant to STATE V. BARNES, 413 S.C. 1, III (Remittitur sent down by mistake, error, or inadvertance of the Supreme Court or its officers.

ALSO SEE WISE V. S.C. DEPT. OF CORR., 372 S.C. 173 (2007) Citing STATE V. KEELS, 39 S.C. 553, 17 S.E. 802 (1893)

FOR THE FOLLOWING REASON:

ON JULY 15th, 2025 PETITIONER RECEIVED LETTER AND ORDER STATING THAT THE REMITTITUR HAD BEEN SENT TO THE LOWER COURT ON JULY 11, 2025, FROM ORDER MADE JUNE 25th, 2025.

Petitioner had made motion for rehearing/reinstatement on July 9th, 2025 (And served ATTORNEY GENERAL SEE pg. 3 ENCLOSED) THIS WAS WELL WITHIN THE 15 DAY TIME LIMIT BEFORE THE SENDING OF THE REMITTITUR PURSUANT TO RULE 221, SCACP.

The motion for rehearing/reinstatement could not have been considered by the court without a ruling being made on this motion prior to the remittitur being sent down.

The remittitur was not properly sent down as petitioner's facts meet the exception to the rule as the remittitur has been sent down by mistake, error or inadvertence, KEEL.

Petitioner request that this honorable court recall the remittitur for a ruling to be made on his timely filed petition for rehearing/reinstatement to be considered and rule on by the court as the court still retain jurisdiction to act on the matter,

Respectfully Submitted,

GARY LAMONT PETTY