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**Apr 21 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Laurens County  
Honorable J. Cordell Maddox, Jr., Circuit Court Judge  
Appellate Case No. 2024-000370

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THE STATE,

Respondent,

vs.

MARCUS TYRONE GRANT,

Appellant.

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**RETURN TO  
PETITION TO RECALL REMITTITUR  
AND  
GRANT LEAVE TO FILE PETITION FOR REHEARING OUT OF TIME**

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Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

In July of 2023, Appellant Marcus Tyrone Grant was indicted by the Laurens County Grand Jury for kidnapping and second-degree assault and battery by mob. On March 4, 2024, a jury trial was commenced in the Laurens County Court of General Sessions with the Honorable J. Cordell Maddox, Jr., circuit court judge, presiding. At the conclusion of the three-day trial, the jury convicted Grant of kidnapping and the lesser-included offense of third-degree assault and battery by mob. Following the verdict, the trial judge sentenced Grant to an aggregate term of

imprisonment of thirty years, which was suspended to eighteen years of incarceration to be followed by five years of probation. Grant then timely filed and perfected an appeal.

## II.

On appeal, this Court—following briefing—issued an unpublished opinion unanimously affirming Grant’s convictions and sentence on April 1, 2026, and that decision was properly transmitted to all parties on the same date.<sup>1 2</sup> State v. Grant, Op. No. 2026-UP-154 (S.C. Ct. App. filed Apr. 1, 2026). After that decision was issued, no petition for rehearing or extension requests were served or filed during the fifteen-day time period set out in our state’s appellate court rules. See Rule 221(a), SCACR (“Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court.”). Accordingly, this Court—consistent with the mandates of our appellate court rules—issued the remittitur on April 17, 2026, which was sixteen days after its decision was issued and filed in Grant’s case. See Rule 221(b), SCACR (“The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal.”).

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<sup>1</sup> The appellate records from Grant’s case are currently available through the South Carolina Appellate Court Public Index. Appellate Records for State v. Marcus Tyrone Grant, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=80182>.

<sup>2</sup> A copy of the email message transmitting this Court’s unpublished opinion in Grant’s case has been attached to this return as Attachment “A.”

### III.

Yesterday, on April 20, 2026, Grant submitted a motion entitled “Petition to Recall Remittitur and Grant Leave to File Petition for Rehearing Out of Time” to this Court. Through that motion, Grant asks this Court to recall the remittitur that was properly issued in his case and grant him leave to file a petition for rehearing out of time. Meanwhile, in seeking such relief, Grant candidly acknowledges his failure to timely file a petition for rehearing stemmed not from any mistake, error, or inadvertence on the part of this Court but from a “clerical error” and “administrative inadvertence” on his own part, which he maintains was only recently discovered.

### IV.

Significantly, “[w]hen remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter.” Wise v. South Carolina Dep’t of Corr., 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007). “The only exception to this rule is when the remittitur is sent down by mistake, error or inadvertence *of the Court.*” Id. (emphasis added); see State v. Barnes, 413 S.C. 1, 4, 774 S.E.2d 454, 456 (2015) (“In order to justify this court in exercising the unusual power of recalling the *remittitur* after it has been sent down, a very strong showing would be required that the *remittitur* was sent down through some mistake or inadvertence on the part of this court or its officer[.]” (citation and internal quotations omitted)).

### V.

In Grant’s case, Grant—due to a regrettable oversight involving his appellate counsel—failed to timely submit a petition for a rehearing within the time period prescribed by the South Carolina Appellate Court Rules, and, resultantly, this Court properly and correctly issued the remittitur in a manner fully consistent with those rules. Rule 221(b), SCACR; see also Henning

v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) (“[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.”). And, as Grant’s candid acknowledgement makes clear, the remittitur was *not* sent down as a result of any mistake, error, or inadvertence on the part of this Court. See State v. Keels, 39 S.C. 553, 17 S.E. 802, 803 (1893) (explaining “excusable neglect” by a party to the appeal is *not* a valid basis upon which remittitur may be recalled). Therefore, because the remittitur was properly issued in Grant’s case, appellate jurisdiction has been extinguished and no longer exists. See Sullivan v. Speights, 14 S.C. 358, 360 (1880) (“After the *remittitur*, however, is sent down, the case passes beyond the reach of this court and its jurisdiction is lost, and no motion can be heard by this court on the matter thereafter.”); see also DeWitt v. South Carolina Dep’t of Highways and Pub. Transp., 274 S.C. 184, 187, 262 S.E.2d 28, 30 (1980) (“The acts of a court without jurisdiction are without effect.”). Accordingly, despite the unfortunate nature of the circumstances involved, this Court does not have jurisdiction to consider Grant’s motion, and, thus, that filing should and must be rejected, dismissed, and denied. Cf. Wise, 372 S.C. at 174, 642 S.E.2d at 551 (“The remittitur in this case was not sent down by mistake, error or inadvertence of the Court of Appeals. Instead, it was correctly sent after fifteen days had elapsed from the date of the order dismissing the appeal without the *proper* filing of a petition for reinstatement. Accordingly, this Court does not have jurisdiction to act in this matter. The documents filed by appellant are hereby dismissed.” (italics in original and citations omitted)).

**WHEREFORE**, Respondent prays this Court will deny Grant’s “Petition to Recall Remittitur and Grant Leave to File Petition for Rehearing Out of Time”; decline to permit Grant

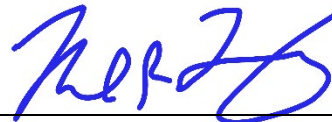
to file a petition for rehearing out of time after the remittitur was properly issued in his case; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Senior Assistant Attorney General

By: \_\_\_\_\_



Mark R. Farthing  
S.C. Bar Number 76901

April 21, 2026

**ATTACHMENT "A"**

**From:** [Galloway, Tiffany](#)  
**To:** [Carter, Wanda](#); [Mark Farthing](#); [Stumbo, David M.](#)  
**Cc:** [Leverett, Scott](#); [Caroline Collins](#); [nlewis@greenwoodsc.gov](mailto:nlewis@greenwoodsc.gov); [Maddox, J. Cordell](#); [Falin, Lynn](#)  
**Subject:** The State v. Marcus T. Grant 2024-000370  
**Date:** Wednesday, April 1, 2026 10:02:02 AM  
**Attachments:** [State v. Grant - Cover Letter and Opinion.pdf](#)

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Good morning,

Attached please find correspondence from the Court of Appeals.

Any parties not included in this email will receive the attached correspondence via US Mail.

**Do not respond to this email. Send all correspondence to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org).**



**Tiffany Galloway**

**Appeals Specialist**

South Carolina Court of Appeals

1220 Senate Street

Columbia, SC 29201

Filings: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

Phone: (803) 734-1890

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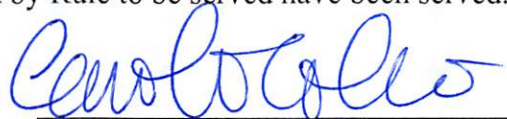
**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Return to Petition to Recall Remittitur and Grant Leave to File Petition for Rehearing Out of Time on Respondent by sending an electronic copy via email to the address listed in AIS for the following individual:

Wanda H. Carter, Esq.  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.  
This 21st day of April, 2026.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General