

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Ralph King Anderson, III, Judge  
Case No. 2012-212844

71590

John Ray and Sherry Ray,

Appellants,

v.

S.C. Department of Revenue,

Respondent.

**RECEIVED**

MAR 17 2014

**SC Court of Appeals**

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**APPELLANTS' MOTION TO RECALL THE REMITTITUR**

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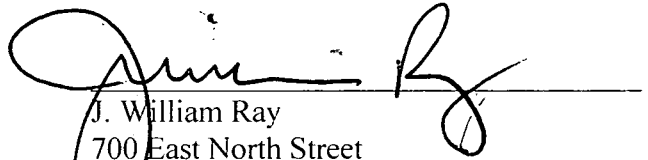
Pursuant to Rules 240 & 242, SCACR, Appellants ("the Rays") respectfully move for a Recall of the Remittitur which was inadvertently, but pre-maturely, sent to the tribunal on or about March 5, 2014. The Rays received written notice thereof on March 6, 2014 and, on that same date, notified the Court of their exception in writing. That request for recall is amended and made more formal by this Motion. As may be seen hereafter, issues remain pending before this Court.

A Motion for Reinstatement and other relief was filed in this Court and served by the Rays on January 27, 2014. Within days, Respondent ("DOR") timely filed and served its Return. Shortly afterward, the Rays filed and served a Reply. As of the date hereof, the request for reinstatement has not been acted on or finally decided by the Court of Appeals. Therefore, issues and decisions remain pending in the Court of Appeals and the decision of this Court is not yet final. Rule 242(c), SCACR.

Therefore, the Remittitur is not yet ripe or proper. Respectfully, it should be recalled.

WHEREFORE, Appellants respectfully request that the Remittitur be recalled until such time as all issues pending in this Court are decided, all current requests for relief are fully and finally determined and, in any event, no earlier than thirty (30) days after the request for reinstatement is finally decided by the Court of Appeals.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. William Ray", is written over a horizontal line. The signature is stylized with a large initial "J" and a prominent "R".

J. William Ray  
700 East North Street  
Greenville SC 29601-3013  
(864) 313-5332

PRO SE/ATTORNEY FOR APPELLANTS

March 13, 2014

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IN THE COURT OF APPEALS

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Ralph King Anderson, III, Judge

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PROOF OF SERVICE

I do hereby certify that a copy of Appellants' Motion to Recall the Remittitur in the above captioned case has been duly served upon Respondent by placing a copy in an envelope, with adequate prepaid postage affixed thereto, properly addressed as shown below, and depositing such copy in the United States Mail on the date below.

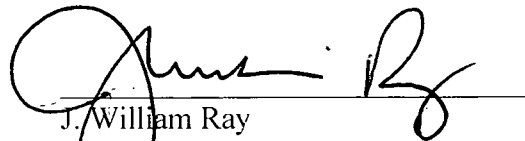
Aaron M. Scheuer, Esquire  
Attorney for Respondent S.C. Department of Revenue  
P. O. Box 12265  
Columbia, SC 29211

The Honorable Jana E. Shealy  
Edgar A. Brown Building  
1205 Pendleton Street  
Suite 224  
Columbia, SC 29201

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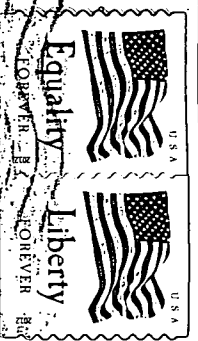
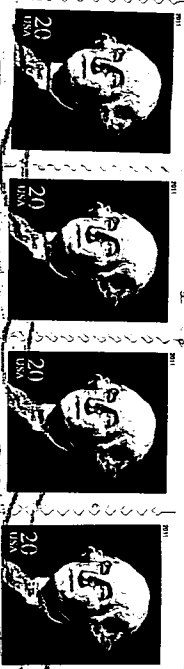
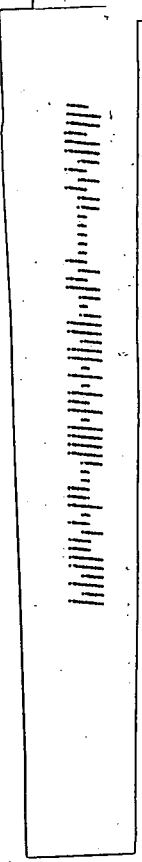
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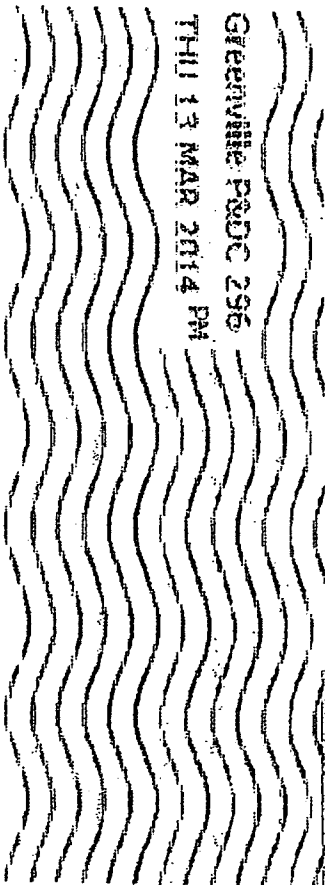
J. William Ray  
700 East North Street  
Greenville SC 29601-3013  
(864) 313-5332  
PRO SE/ATTORNEY FOR APPELLANTS

March 13, 2014

J. William Ray  
700 East North Street  
Greenville, SC 29601-3013



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The Hon. Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

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