

The South Carolina Court of Appeals

John Ray and Sherry Ray, Appellants,

v.

South Carolina Department of Revenue, Respondent.

Appellate Case No. 2012-212844

ORDER

This appeal was dismissed on September 11, 2013. The petition for rehearing was denied on January 23, 2014, and this Court sent down the remittitur on March 5, 2014. Appellant has now filed a motion requesting that this court recall the remittitur. A remittitur cannot be recalled except upon "a very strong showing . . . that remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Appellant has failed to make such a showing. Remittitur was properly sent in this case. *See* Rule 221, SCACR (stating that after a petition for rehearing has been denied, the court must only wait until the time has expired for the filing of a writ of certiorari under Rule 242(c), SCACR, before sending down the remittitur). No writ of certiorari under Rule 242(c), SCACR was filed and this Court waited the requisite amount of time to send down remittitur. Accordingly, this Court no longer has jurisdiction over the case. Appellant's motion, therefore, is denied.


FOR THE COURT

Columbia, South Carolina

cc:

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