

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Chester County  
Court of Common Pleas  
Brooks P. Goldsmith, Circuit Court Judge

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Trial Court Case Number 2011-CP-12-00595

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72934

Mell Woods, Appellant,

v.

John D. Hinson, . . . . . Respondent.

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Court of Appeals Number: 2012-212429

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Motion to Recall Remittitur

 ORIGINAL

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JUL 21 2014  
SC Court of Appeals

1. Mell Woods the appellant herein moves that the the remittitur issued in the above case on June 27, 2014, be recalled since the case was administratively dismissed by the Clerk of the Supreme Court, instead of being ruled on by the Supreme Court itself.

2. Rule 260(a), SCACR, requires that 15 days must first elapse before a remittitur is sent to the lower court, in this case the remittitur was issued the same day, instead of 15 days later. Since the remittitur was not properly sent, this case is still pending in the South Carolina Supreme Court.

3. Under Rule 262(a)(2) filing with the clerk of court is defined as "depositing the document in the U.S. Mail, properly addressed to the clerk, with sufficient first class postage attached. The date of filing shall be the date of delivery or the date of mailing." [Rule 262(a), SCACR requires that petitions for rehearing and motions for reinstatement be actually received by the clerk to be timely filed, but for everything else the date of mailing is sufficient.]

ORIGINAL



4. The box containing the petition for certiorari in this case was postmarked on June 19, 2014, and placed in the U.S.

Mail on June 19, 2014, which made the filing timely.

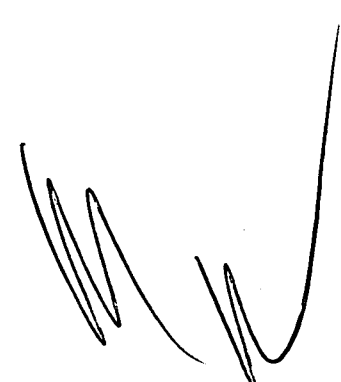
5. Petitioner previously obtained an extension to file the petition for certiorari with appendix with the last day being June 19, 2014, hence the date of filing was extended to June 19, 2014.

Conclusion

The remittitur sent in this case does not comply with Rule 260(a) SCACR, and should be recalled; in addition a Motion to Reinstate the Appeal is pending in the Supreme Court of South Carolina.

Respectfully submitted,

This 14 day of July, 2014.



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Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

 ORIGINAL

**SOUTH CAROLINA COURT OF APPEALS**

Number 2012-212429

Mell Woods, Appellant, v. John D. Hinson, Respondent.

Appeal from Chester County  
Court of Common Pleas  
Brooks P. Goldsmith, Circuit Court Judge

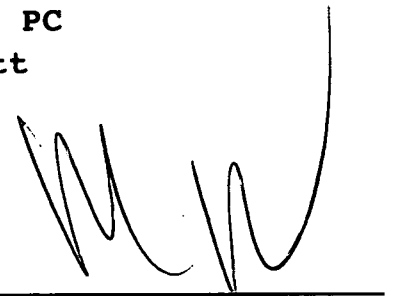
**Proof of Service**

Trial Court Case Number: 2011-CP-12-00595

Court of Appeals Internal Tracking Number: 2012-212429

I hereby certify that I have on the 16 day of July, 2014,  
served the respondents with a true copy of the  
within and foregoing *Motion to Recall Remittitur*  
by placing the copies in the U.S. Mail with sufficient postage  
addressed to:

Moses Koon & Brackett, PC  
c/o: B. Michael Brackett  
P.O. Box 100261  
Columbia, SC 29202



Mell Woods

P.O. Box 2603  
Lancaster, SC 29721

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[ pg. 4 ]

JUL 21 2014

SC Court of Appeals

July 16, 2014

Mell Woods  
P.O. Box 2503  
Lancaster, SC 29721

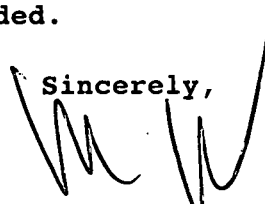
South Carolina Court of Appeals  
Office of the Clerk  
P.O. Box 11629  
Columbia, SC 29211

Re: Case Number 2012-212429  
Mell Woods. Appellant, v. John D. Hinson, Respondent.

Dear Sir or Madam:

Please file the attached Motion to Recall Remittitur.  
The \$25.00 motion fee is included.

Sincerely,



Mell Woods

Copy of this letter to:

Moses Koon & Brackett, PC  
c/o B. Michael Brackett  
P.O. Box 100261  
Columbia, SC 29202

**RECEIVED**

JUL 21 2014

**SC Court of Appeals**