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July 23, 2014

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

RECEIVED

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S.C. Supreme Court

Re: Woods v. Hinson, et al.  
Trial Court Case No. 2011-CP-12-0595  
Court of Appeals Case No. 2012-212429  
Supreme Court Case No. 2014-001246  
Our File No. 12085.2

Dear Ms. Kitchings:

I represent the Respondents, and I write in response to the Appellant's motion to recall the Remittitur. To my knowledge there is no appellate court rule governing such a motion. It appears to me that the motion is premature because of the status of the proceeding in the Supreme Court. The procedural posture of the case is as follows.

The trial court's summary judgment was affirmed by the Court of Appeals in its per curiam Unpublished Opinion No. 2014-UP-158, filed April 2, 2014. The Appellant's Petition for Rehearing was denied by Order filed May 8, 2014. Appellant moved the Supreme Court for an extension of time to file and serve his Petition for Writ of Certiorari and the Appendix. By Order dated June 10, 2014, Appellant's deadline for filing a Petition for Writ of Certiorari and Appendix was extended through June 19, 2014.

On June 27, 2014, having not received a Petition for Writ of Certiorari and Appendix, the Supreme Court issued an Order dismissing the matter. The Court of Appeals issued and sent its Remittitur to the Circuit Court on June 27, 2014.


On June 30, 2014 Appellant's Petition and Appendix were delivered to the Supreme Court by United States Postal Service delivery. By letter to the Appellant dated June 30, 2014, the Clerk of Court advised Appellant of the dismissal and returned his filing fee. By letter dated July 11, 2014 the Clerk of Court, in response to Appellant's July 7 letter, advised the Appellant that United States

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Postal Service records indicated that he had not timely mailed/filed the Petition and Appendix and for that reason the matter had been dismissed. On July 14, 2014, Appellant filed his motion to reinstate appeal with the Supreme Court. On July 16, Appellant filed his motion to recall Remittitur in the Court of Appeals.

Respondents' Return to the motion to reinstate appeal has been filed and served, and I assume that the Supreme Court will decide the matter promptly. I do not see how recalling the Remittitur at this time affects anything.

Very truly yours,



B. Michael Brackett

cc. Honorable Daniel E. Shearouse ✓  
Robert H. Breakfield, Esquire  
Mell Woods

