

The South Carolina Court of Appeals

Robert H. Breakfield, as attorney-in-fact, Respondent,

v.

Mell Woods, Appellant.

Appellate Case No. 2012-212318

ORDER

On April 24, 2014, this Court denied Appellant's petition for rehearing. The Supreme Court granted Appellant an extension to file his petition for writ of certiorari until June 21, 2014. On June 27, 2014, the Supreme Court dismissed the matter because Appellant failed to file a timely petition for writ of certiorari as required by Rule 242 of the South Carolina Appellate Court Rules. This Court sent the remittitur down on that day. Appellant has now filed a motion to 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. Because Appellant failed to file a timely petition for writ of certiorari with the Supreme Court, remittitur was properly sent, and this Court no longer has jurisdiction over the case. Appellant's motion to recall remittitur and reinstate the appeal, therefore, is denied.

Thomas E. Huff

J.

[Signature]

J.

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J.

Columbia, South Carolina

cc: Mell Woods
B. Michael Brackett, Esquire
Sue K. Carpenter

FILED

8/25/14

[Signature]