

The Supreme Court of South Carolina

Lee C. Palms and Nelle S. Palms, as Guardians ad Litem
for L.P., a minor, Petitioners,

v.

The School District of Greenville County, Respondent.

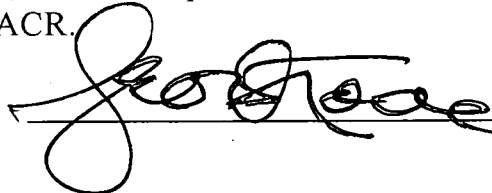
Appellate Case No. 2014-001955

Lower Court Case No. 2013-CP-23-03447


ORDER

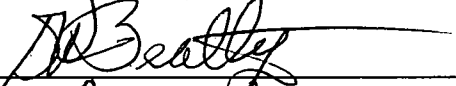
On May 30, 2014, the Court of Appeals issued an opinion in this matter. *Palms v. School Dist. of Greenville Cty.*, 408 S.C. 576, 758 S.E.2d 919 (Ct. App. 2014). Petitioners' petition for rehearing was denied on July 10, 2014. On August 18, 2014, no petition for a writ of certiorari having been filed in this Court within the thirty day period following the issuance of the order denying the petition for rehearing, the remittitur was sent to the lower court. Rule 221(b), SCACR; Rule 242(c), SCACR.

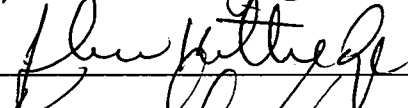
On September 16, 2014, petitioners filed a Petition for Writ of Certiorari and Rescission of Premature Remittitur in this Court. We dismiss the petition without prejudice to petitioners' ability to file a motion to recall the remittitur in the Court of Appeals, which is in the best position to determine if the remittitur was sent down by mistake, error or inadvertence on the part of the appellate court,¹ and following a ruling on the motion, to re-file a petition for a writ of certiorari in this Court pursuant to Rule 242, SCACR.

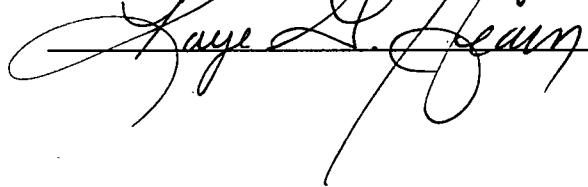

C.J.

¹ See *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007)(when the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter; the only exception is when the remittitur is sent down by mistake, error or inadvertence of the Court).



J.


J.


J.


J.

Columbia, South Carolina

October 8, 2014

cc:

James Theodore Gentry, Esquire
Wade Stackhouse Kolb, III, Esquire
Carl F. Muller, Esquire
Kenneth L. Childs, Esquire
Thomas Kennedy Barlow, Esquire
Rodney Douglas Webb, Esquire
Paul B. Wickensimer
The Honorable Jenny Kitchings