

The Supreme Court of South Carolina

Spencer Utsey

Appellate Case No. 2015-001683



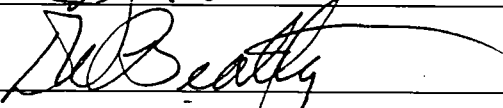
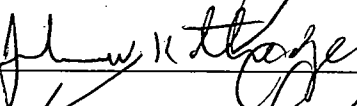
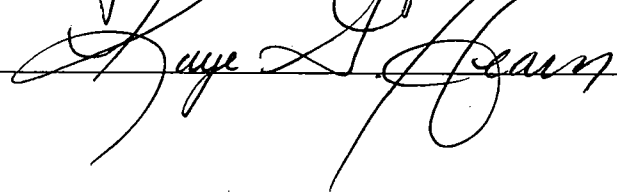
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SC Court of Appeals

ORDER

Mr. Utsey filed a motion asking this Court to recall the remittitur sent by the Court of Appeals on December 5, 2012, alleging his indictments were insufficient. The motion is denied. *See Wise v. S.C. Dep't. 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 to this rule is when the remittitur is sent down by mistake, error or inadvertence of the Court."); *State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005) (holding an indictment is a notice document and a challenge to the indictment on the ground of insufficiency must be made before the jury is sworn).

 C.J.
 J.
 J.
 J.
 J.

Columbia, South Carolina

August 19, 2015

cc:

Spencer Utsey, 192660

The Honorable Jenny Abbott Kitchings