

The Supreme Court of South Carolina

Jermaine Wright, Petitioner,

v.

State of South Carolina, Respondent.

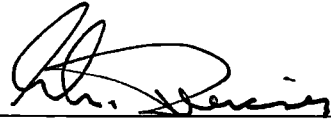
Appellate Case No. 2015-002588

ORDER

By order dated January 5, 2016, the notice of appeal in this matter was dismissed by the Clerk of Court based on petitioner's failure to comply with the requirements of the South Carolina Appellate Court Rules.¹ *See* Rule 260(a), SCACR. On January 22, 2016, no motion for reinstatement having been received within fifteen days of the date of filing of the order of dismissal, the Clerk remitted the case to the lower court. *Id.*

On February 11, 2016, petitioner filed a document entitled "Notice to File Out Time Reconsideration & Appeal Pursuant SCACR Applicable." We have construed the document as a request to recall the remittitur and reinstate the appeal. The request is denied. *Wise v. S.C. Dep't of Corrs.*, 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. The remittitur is not sent down by mistake, error or inadvertence where it is sent after fifteen days have elapsed from the date of the order dismissing the appeal without the filing of a motion for reinstatement.).

¹ Specifically, petitioner failed to provide proof of service of the notice of appeal on opposing counsel and failed to provide the Court with a copy of the order being appealed. Rule 243(b), SCACR; Rule 203(d)(1)(B)(i) and (ii), SCACR. Petitioner still has not provided these documents.



C.J.

FOR THE COURT

Columbia, South Carolina

February 23, 2016

cc:

James Rutledge Johnson, Esquire

Jermaine B. Wright, 283115

The Honorable Mary P. Brown