

LEGAL

IN THE SOUTH CAROLINA SUPREME COURT
FOR THE STATE OF SOUTH CAROLINA

JERMANE WRIGHT, Petitioner Case No. 2015-002588

v.

RECEIVED

MAR 16 2016

STATE OF SOUTH CAROLINA Respondents

S.C. SUPREME COURT

MOTION
RECALL THE REMITTUR

COMES NOW, JERMANE WRIGHT [Hereinafter],
Petitioner Moves This "Honorable Court" and MOTIONS
to RECALL THE Remittur. Pursuant TO U.S & S.C.
Constitution, SCACR, & SCRCP, & S.C. Crim-R.P.
applicable in instance.

Petitioner petitions the recall the remittur. ON
the basis of due process, equal protection of laws,
restraint upon liberty & illegal confinement.

Petitioner is incarcerated at Ridgeland Correctional
Institution, 5 Correctional Road, Ridgeland, South
Carolina without control of outgoing & incoming
MAIL.

LEGAL

Petitioner received out of time MAIL that effected appellant due process, equal protection of laws, rights TO meet SCACR Timeliness Filings For Reinstatement Filing Due Date, NOTICE OF APPEARANCE. That caused interruption & effected Petitioner ability to meet requirements a SCACR criteria.

Petitioner late reception of mail at no fault of his own. Filed Notice of Out OF TIME APPEAR PURSUANT TO SCACR & Reconsideration due to mail delay & interrupting at total control of Prison MAIL. Petitioner filed Notarized AFFIDAVITS & SIGNATURE PRISON STAFF Request signed by MAIL Room Personnel. As evidence & good faith to support Petitioner validity of when mail WAS actually received.

Petitioner received out of time ORDER that could not be met according to SCACR due to late reception of mail. Lapsed petitioner rights to due process, access to courts, equal protection of laws.

The Lower Courts have eluded a Default & Ineffective Grand Jury Indictment. Proceeding that was not held as Lower Courts claim due to there was not a session held at Time Lower Courts of S.C. Code of Laws Mandate

LEGAL

Petitioner's Appeals & Rights have been frustrated via fabricated Inadvisements & No GRAND Jury Proceedings held as Time stated by Lower Courts. So forcibly, the "Courts" have evaded & eluded the petitioner rights by dismissing Appeals by alleged procedural errors & mail Delays. BREACH OF TRUSTS & Sherman Act Violations. Leaving the petition illegally confined without due process & equal protection of law.

Petitioner's latest Motion to Reconsider & File Out of Time Appeal. Was MIS-Characterized, & MIS-analyzed As Recall The Remittitur. Knowingly petitioner would Motion TO Recall The Remittitur. As Exhaustion OF STATE Remedies and seek Federal Review.

The STATE has usurped jurisdiction by procedural bar to keep a man convicted of charges without procedure due process afforded to petitioner. Now in Instance Issued Remittitur in conflict with *Wise v. S.C. Dept of Corr* 372 S.C. 173, 642 S.E.2d 551 (2007) where the remittitur was improperly sent that the Exception Rule was applicable sent down by mistake, error of the court & inadvertence. As NO Cause OF Petitioner...

WHEREFORE, the foregoing in this matter
 of lower Courts admittance that no grand jury
 was conducted at alleged indictment date as
 alleged, & admittance of more delays petitioner
 good faith was exemplified through correct actions
 to insure appellants Right to Appeal & Seale
 Relief For ILLEGAL DETENTION & ILLEGAL
 Conviction WITHOUT Procedural Due Process
 Restraint upon Liberty, & Equine protection of Law
 The U.S. & S.C. Constitutional, mandatory provisions,
 Human & Civil Rights Protections. CAUSATION
 A Recede Remittor, Reinstatement Appeal
 RIGHTS Removal & Removal. Restart of
 Clock & IMMEDIATE Release... AS
 MEANS TO Grant Relief.

This 8th March Month
2016 Year

Respectfully submitted

Jermaine B. Wright
 Jermaine Wright
 SCOC # 283115
 Ridgeland Correctional Inst
 PO Box 2039
 Ridgeland, South Carolina 29128

- CC: S.C. Attorney General
- CC: S.C. Supreme Court
- CC: S.C. Court of Appeals
- CC: S.C. General Sessions Court
 — Judicial Circuit
- CC: Files

CERTIFICATE OF SERVICE

I, Jermame B. Wright, certify, I have deposited in the U.S. Mail Deposit, via prepaid postage (1) original MOTION PICTURE THE REMITTING and send on All referred parties

This 8th day March month
2016 year

Sincerely,

Jermame B. Wright
Jermame B. Wright
Ridgeland Correctional Inst.
P.O. Box 2039
Ridgeland, South Carolina 29286

- CC: S.C. ATTORNEY General et al
- CC: S.C. Supreme Court
- CC: S.C. Court of Appeals
- CC: S.C. General Sessions Court
Judicial Circuit
- CC: Files

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA
SC 290
23 FEB '16
PM 2 L

Master
02/23/2016
US POSTAGE

FIRST-CLASS MAIL

\$00.48⁵



ZIP 29201
011012002623

RIDGELAND CORRECTIONAL
INSTITUTION

FEB 2 5 2016

MALROOM

GA-4
JERMAINE B. WRIGHT, 283115
RIDGELAND CORRECTIONAL INSTITUTION
P.O. BOX 2039
RIDGELAND SC 29936

29936203939



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA
SC 290
23 FEB '16
FN 2 L

Master

02/23/2016

US POSTAGE

FIRST-CLASS MAIL

\$00.48⁵



ZIP 29201
011012602823

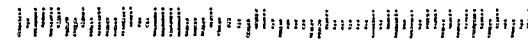
RIDGELAND CORRECTIONAL
INSTITUTION

FEB 25 2016

MALROOM

GA-4
JERMAINE B. WRIGHT, 283115
RIDGELAND CORRECTIONAL INSTITUTION
P.O. BOX 2039
RIDGELAND SC 29936

29936203936



The Supreme Court of South Carolina
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA
SC 290
23 FEB '16
FN 2 L

Haster
02/23/2016
US POSTAGE

FIRST-CLASS MAIL

\$00.48



ZIP 29201
011D12602623

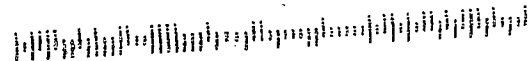
RIDGELAND CORRECTIONAL
INSTITUTION

FEB 25 2016

MALROOM

GA-4
JERMAINE B. WRIGHT, 283115
RIDGELAND CORRECTIONAL INSTITUTION
P.O. BOX 2039
RIDGELAND SC 29936

29936203936



**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

RIDGELAND CORRECTIONAL
INSTITUTION

FEB 02 2016

TO: NAME: Ms. Robinson	TITLE: Mail Clerk	DATE: Feb 2, 2016	MALFGOM
INMATE'S NAME: Jermaine B. Wright		SCDC #: 283115	
INSTITUTION: Ridgeland		LIVING QUARTERS: GA-23	


I am requesting as a witness as to when I received my legal mail, and when it came to the institution, and when I personally received and pick it up, as signed for. As for the last 2 letters from the Supreme Court of South Carolina

Respectfully,

Mr Jermaine B Wright

DISPOSITION BY STAFF MEMBER:

You had 2 letter come in the month of January 2016 from U.S. Supreme Court of S.C. P.O. Box 11330, Col 9., S.C. 29211. 1st Received 1/7/16 - Picked up 1/27/16 + 2nd 1/28/16
2nd Received 1/25/16 - Picked up 2/2/16

DATE: 2/5/16	SIGNATURE: 
------------------------	---

LEGAL

"AFFIDAVIT"

I, Jermaine B. WRIGHT, SCOC # 283115. declarant affirm / swear. Under the Penalties of perjury that all above & within & here to end are true & correct to the best of my knowledge....

THAT ON the 29th January, 2016. I received a letter Post MARKED 05 JAN 16, & received at Ridgeland Correctional Institution January 7th, 2016. However I did not receive this letter until January 29th, 2016. From THE Supreme Court of South Carolina Daniel E. Shearouse. CLERK OF COURT PO BOX 11330, Columbia, South Carolina 29211 REF: Case No. Appellate Case No. 2015-002588. Lower Case No: 2014 CP0801554. Ultimately affecting my Appellate RIGHTS Due to the Delivery beyond my Control Incarcerated.

I restate my RIGHTS TO HAVE Due Process & Equal Protection of Laws &

LEGAL

NOT BE further subjected to Cruel + Unusual
Punishment. ILLEGAL CONVICTION. FALSE
IMPRISONMENT.

This 3rd day February month
_____ year

Sincerely,

~~Jermaine B. Wright~~
Jermaine B. Wright
SC005 # 283115
Ridgeland Correctional Inst
5 Correctional Road
Ridgeland, South Carolina
29936

Notary Public

This 3 day February month 2016 year.

My Commission expires 10-1-25

SI Jermaine B. Wright
SIGNATURE

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA
SC 290
05 JAN '16
PM 3 L

Hasler
01/05/2016
US POSTAGE

FIRST-CLASS MAIL

\$00.48⁵



ZIP 29201
011D12602823

GA-23

JERMAINE B. WRIGHT, 283115
RIDGELAND CORRECTIONAL INSTITUTION
P.O. BOX 2039
RIDGELAND SC 29936

**RIDGELAND CORRECTIONAL
INSTITUTION**

JAN 7 2016

MAILROOM

29936203939



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA
SC 290
22 JAN '16
PM 1 L

Hasler
01/22/2016
US POSTAGE

FIRST-CLASS MAIL

\$00.48⁵



ZIP 29201
011D12602823

GA-23

JERMAINE B. WRIGHT, 283115
RIDGELAND CORRECTIONAL INSTITUTION
P.O. BOX 2039
RIDGELAND SC 29936

**RIDGELAND CORRECTIONAL
INSTITUTION**

JAN 25 2016

MAILROOM

29936203939



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.



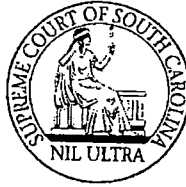
C.J.

FOR THE COURT

Columbia, South Carolina
February 23, 2016

cc:

James Rutledge Johnson, Esquire
Jermaine B. Wright, 283115
The Honorable Mary P. Brown



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

January 22, 2016

The Honorable Mary P. Brown
PO Box 219
Moncks Corner SC 29461-0219

REMITTITUR

Re: Jermaine Wright v. State
Lower Court Case No. 2014CP0801554
Appellate Case No. 2015-002588

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

James Rutledge Johnson, Esquire
Jermaine B. Wright, 283115

The Supreme Court of South Carolina

Jermaine Wright, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002588

Lower Court Case No. 2014CP0801554

ORDER

Petitioner has failed to provide this Court with a proof of service showing that a copy of the notice of appeal has been served on opposing counsel and has failed to provide this Court with a copy of the order(s) under appeal as required by Rules 243(b) and 203(d)(1)(B)(i) and (ii) of the South Carolina Appellate Court Rules. Accordingly, the notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

January 5, 2016

cc: James Rutledge Johnson, Esquire
Mr. Jermaine B. Wright, 283115

R.C.I. GA-6
P.O. Box 2039
Ridgeland, SC 29936

South Carolina Supreme Court *Inner Dept*
P.O. Box 11330
Columbia, SC 29211

RIDGELAND CORRECTIONAL
INSTITUTION

MAR 11 2016

MAILROOM

FOREVER
USA



Bank Swallow