

The Supreme Court of South Carolina

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Glenda Couram, Petitioner,

JUL 07 2016

v.

SC Court of Appeals

Lula N. Davis, Shirley Rivers, Constance "Connie" Rhett, Marcia Adams, Dottie Blankenship, Tosha Autry, Steven W. Lake, and SC Department of Motor Vehicles, in their official and individual capacities, Respondents.

Appellate Case No. 2015-001566

ORDER

By order dated February 12, 2016, this Court denied the petition for a writ of certiorari seeking review of the decision of the South Carolina Court of Appeals in this case. On February 17, 2016, the Court of Appeals properly sent the remittitur to the circuit court under Rule 221(b) of the South Carolina Appellate Court Rules (SCACR).¹

Petitioner has sent this Court a *pro se* motion to recall the remittitur and a petition for rehearing. These documents are dated February 21, 2016, and were received by this Court on February 23, 2016.

Since this Court had not relieved petitioner's counsel of record before this Court,² these *pro se* motions were properly rejected for filing by the clerk of this Court.

¹ In relevant part, that rule states:

Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied.").

² Rule 264(b), SCACR, states:

An attorney of record in a matter pending before an appellate court may not withdraw from representation of his client without justifiable cause, or the consent of his client; and then only after proper written notice to his client, on petition to and by written order of the appellate court, and with notice to the adverse party.

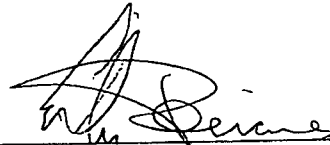
Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

In any event, even if these *pro se* motions were proper, the motion to recall the remittitur must be denied because the remittitur has been properly sent to the circuit court. *Wise v. S.C. Dept. 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. [citations omitted]. The only exception to this rule is when the remittitur is sent down by mistake, error or inadvertence of the Court. [citation omitted].").

Further, the petition for a rehearing must be stricken and dismissed for two reasons. First, no petition for rehearing is allowed regarding the denial of a petition for a writ of certiorari under Rule 242, SCACR. Rule 221(a), SCACR. Second, the sending of the remittitur has ended appellate jurisdiction over this case, and this petition cannot be considered by this Court. *Id.*

Finally, petitioner has filed a motion dated February 26, 2016, asking that her counsel be relieved so that she can proceed *pro se*. Since the remittitur has ended appellate jurisdiction over this case, this motion must be stricken and dismissed. *Id.*

Accordingly, the motion to recall the remittitur is denied. Further, the petition for rehearing, and the request to proceed *pro se* are hereby stricken and dismissed.



FOR THE COURT

C.J.

Columbia, South Carolina

March 1, 2016

cc: Eugene Hamilton Matthews, Esquire
Thomas Jefferson Goodwyn, Jr., Esquire
Rachel Gottlieb Peavy, Esquire
Ms. Glenda R. Couram
The Honorable Jenny Abbot Kitchings