

# The South Carolina Court of Appeals

Adrian Smalls, Respondent,

v.

Brenda Lee Barnett, Appellant.

Appellate Case No. 2016-000100

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## ORDER

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This appeal was dismissed on February 17, 2017. No petition for rehearing was filed as of March 7, 2017, and this Court sent down the remittitur on that day. This court sent an amended remittitur on March 10, 2017. Appellant has now filed a motion requesting that this court recall the remittitur and reinstate the appeal. A remittitur cannot be recalled except upon "a very strong showing . . . that remittitur was sent down through some mistake or inadvertence on the part of this Court or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Appellant has failed to make such a showing. Because Appellant failed to timely file a petition for rehearing with this Court, remittitur was properly sent, and this Court no longer has jurisdiction over the case. Appellant's motion, therefore, is denied.



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FOR THE COURT

Columbia, South Carolina

cc:

Louis S. Moore, Esquire

Kevin Duane Hackler, Esquire

Theron Wayne Sandy, II, Esquire

**FILED**

May 16, 2017