

# The South Carolina Court of Appeals

Elizabeth J. Langley, Appellant,

v.

Wendy J. Lynch, Rebecca M. Lynch, James M. Lynch, II, Donald Jordan, III, Jimmy white and S. Porter Stewart, II, as Personal Representative of the Estate of James M. Lynch, Defendants,

Of whom Wendy J. Lynch is the Respondent.

Appellate Case No. 2015-001941

---

## ORDER

---

Appellant, through her counsel, filed a motion to recall the remittitur on June 13, 2017. "When the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter." *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007). "The only exception to this rule is when the remittitur is sent down by mistake, error[,] or inadvertence of the [c]ourt." *Id.* The remittitur was correctly sent as Appellant did not, through her counsel,<sup>1</sup> file a petition for rehearing before fifteen days had elapsed from the date of the opinion finally disposing of the appeal. *See* Rule 221(b), SCACR ("The remittitur . . . shall not be sent to the lower court . . . until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion . . . finally disposing of the appeal."). Accordingly, the motion to recall the remittitur is denied.

---

<sup>1</sup> *Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.").

Additionally, Appellant's counsel simultaneously filed a motion to be relieved as counsel pursuant to Rule 264, SCACR. After careful consideration, the motion to be relieved as counsel is granted.

*John D. Beatter*

J.

*Stephanie P. McDonald*

J.

*D. Han Li*

J.

Columbia, South Carolina

cc:

Elizabeth J. Langley

Jon Rene Josey, Esquire

Joseph M. McCulloch, Jr., Esquire

Kathy R. Schillaci, Esquire

Doris Poulos O'Hara

**FILED**

*July 11, 2017*