

The South Carolina Court of Appeals

The State, Respondent

v.

Russel E. Early, Appellant

Appellate Case No. 2012-212540

ORDER

Appellant has sent this court a letter that we interpret as a motion to recall the remittitur and reinstate this appeal. This court dismissed the appeal on September 21, 2012, on the basis that Appellant, through counsel, notified this court of his desire to withdraw the appeal. This court sent the remittitur down on October 8, 2012.

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 [c]ourt or its officer." *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Because Appellant failed to timely file a Petition for Rehearing, remittitur was properly sent, and this court no longer has jurisdiction over the case. Accordingly, Appellant's motion to recall the remittitur and reinstate the appeal is hereby denied.



FOR THE COURT

Columbia, South Carolina

cc:

FILED

1/8/13 AT

Robert Michael Dudek
Charles Thomas Brooks
Salley W. Elliott
John P. Meadors
James C. Campbell