



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

July 17, 2018

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Courtney Ray Mitchell
Appellate Case No: 2015-000517

Dear Ms. Kitchings,

The State is in receipt of Appellant's Motion to Recall the Remittitur and Reinstate the Appeal. Please accept this letter in lieu of a formal return. The State submits the proper standard for consideration of the motion was set forth in Wise v. S.C. Dep't of Corr., 372 S.C. 173, 174, 642 S.E.2d 551, 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 State takes no position and leaves the decision whether to recall the remittitur and reinstate the appeal to the wise discretion of the Court.

Sincerely,

William M. Blich, Jr.
Senior Assistant Attorney General
S.C. Bar: 15608

cc: Donald L. Smith, Esquire