

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 28 2019

S.C. SUPREME COURT

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

The Honorable Maite Murphy, Circuit Court Judge

Appellate Case No. 2016-001449

Kentrell Liburd, 357498, Appellant,

v.

State of South Carolina, Respondent.

**MOTION TO RECALL REMITTITUR AND RETURN CASE TO
COURT**

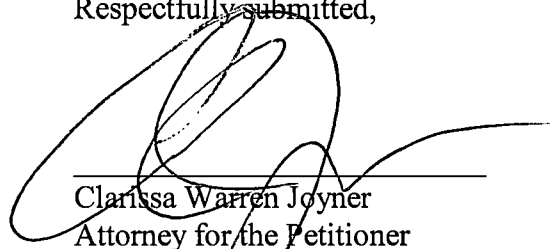
COMES NOW, Petitioner, above-named, by and through the undersigned counsel, making its Motion to Recall the Remittitur from the Lower Court and Return Case to Court of Appeals and allow Petitioner to file Petition for Rehearing in accordance with Rule 221, *SCACR*, and would show unto this Court:

Petitioner's Counsel received a remittitur letter on January 15, 2019, which was dated January 9, 2019, stating the above-entitled action had been remitted to Orangeburg County, and a copy of the judgment of the Court was enclosed. However, Counsel for Petitioner was never served with the judgement prior to receipt of the remittitur letter. Petitioner wants to seek a rehearing in this matter, and did not receive notice of the filing of the judgment in order to comply with Rule 221,

SCACR. Therefore, Petitioner requests that the Remittitur be returned to the Court of Appeals so that he may file his Petition for Rehearing.

WHEREFORE, it is respectfully requested that the motion be granted.

Respectfully submitted,



Clarissa Warren Joyner
Attorney for the Petitioner
S.C. Bar # 0066576
Post Office Box 1724
Orangeburg, SC 29116-1724
(803) 534-8393 Telephone
(803) 534-7885 Facsimile

Dated: January 24, 2019

Other Counsel of Record:
Ruston Wesley Neely, Esq.
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No. 2016-001449

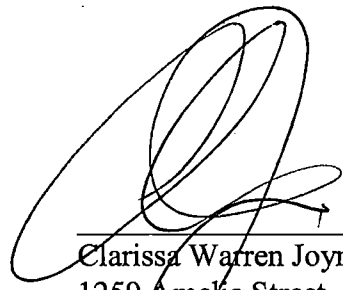
Kentrell Liburd, #357498 Petitioner

v.

State of South Carolina, Respondent,.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Petitioner's Motion to Recall Remittitur and Return Case to Court in this case has been served on Ruston W. Neely, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, by mailing in an envelope properly addressed with postage prepaid on this 23rd day of January, 2019.



Clarissa Warren Joyner
1259 Amelia Street, Suite A
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Clarissa Warren Joyner

Attorney at Law

1259 Amelia Street, Suite A ~ Orangeburg, South Carolina 29115
Phone (803) 534-8393 ~ Facsimile (803) 534-7885 ~ Email cjjoynerlaw@aol.com
January 23, 2019

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S.C. SUPREME COURT

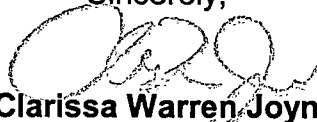
Honorable Daniel E. Shearouse
Supreme Court of South Carolina
Clerk of Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: **Kentrell Liburd, #357498 v. State of South Carolina**
Case No.: 2016-001449

Dear Mr. Shearouse:

Please find enclosed a Motion to Withdraw Remittitur and Return Case to Court in the above-referenced matter. By copy of this letter, I am serving the same on Ruston Neely, Assistant Attorney General. With kind regards, I am

Sincerely,



Clarissa Warren Joyner
Attorney at Law

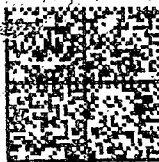
Ruston W. Neely, Asst. Attorney General

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SC Court of Appeals

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Attorney and Counselor at Law
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