

The South Carolina Court of Appeals

Michael Stehney, Jr., Respondent,

v.

Ronald E. Ferguson, Susan M. Ferguson and Ronald J.
Ferguson, Defendants,

Of whom Ronald J. Ferguson is the Appellant.

Appellate Case No. 2018-001279

ORDER

First, this court construes Defendants Ronald E. Ferguson and Susan M. Ferguson's motion to vacate as a motion to recall the remittitur. Their appeal was dismissed on August 9, 2018. No petition for rehearing was filed as of August 28, 2018, and this Court sent down the partial remittitur on that day. The Defendants have now filed a motion requesting that this court recall the partial 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). The Defendants have failed to make such a showing. Because they failed to timely file a petition for rehearing with this Court, the partial remittitur was properly sent, and this Court no longer has jurisdiction over their case. The motion, therefore, is denied.

Second, Appellant's motion for an extension of time to serve and file Appellant's initial brief and designation of matters is granted to the extent Appellant shall serve and file the brief and designation within thirty days of the date of this order. No further extensions will be granted absent a showing of extraordinary circumstances.


FOR THE COURT

FILED

January 31, 2019

Columbia, South Carolina

cc:

Ronald J. Ferguson

Chace Damon Campbell, Esquire