

The Supreme Court of South Carolina

Kevin Herriott, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001131

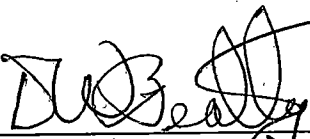
Lower Court Case No. 2013-CP-10-01084

ORDER

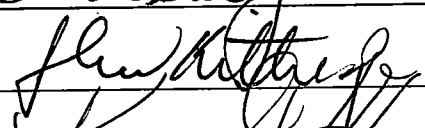
Petitioner filed a Notice of Appeal (NOA) from the denial of his application for post-conviction relief. Because Petitioner failed to timely serve his NOA, the matter was dismissed by order dated August 5, 2016. When no petition for rehearing was timely received, the remittitur was sent on August 23, 2016.

Petitioner has now sent a letter to the Clerk of Court asking that this matter be reopened for appellate review. We have construed this document as a request to recall the remittitur.

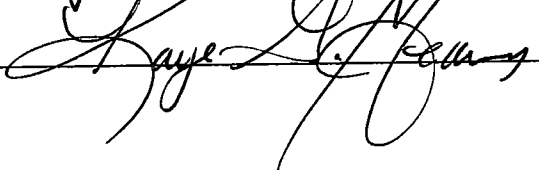
Because remittitur in this case was properly sent when Petitioner failed to file a timely petition for rehearing, this Court does not have jurisdiction to act in this matter. *See Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) (when the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter). Accordingly, we deny the request to recall the remittitur and review this matter.



C.J.



J.



J.

John Cannon Jr J.
John Cannon Jr J.

Columbia, South Carolina

May 30, 2019

cc:

James Rutledge Johnson, Esquire

Kevin Herriott, 313862

The Honorable Julie J. Armstrong