

The South Carolina Court of Appeals

Burton Fire District, Respondent,

v.

City of Beaufort, Appellant.

And

Burton Fire District, Respondent,

v.

Town of Port Royal, Appellant.

Appellate Case No. 2017-000620

ORDER

The opinion in this case was filed on January 8, 2020. No petition for rehearing was received by the Court of Appeals within fifteen days of that filing. *See* Rule 221(a), SCACR ("Petitions for rehearing must be *actually received* by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court." (emphasis added)). 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". *See State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893). Appellants failed to make such a showing. Because the court did not actually receive the petition for rehearing within fifteen days after the filing of the opinion, remittitur was properly sent, and this Court no longer has jurisdiction over the case. *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."). Appellant's motion to recall remittitur is therefore denied.

D. Han Li

FOR THE COURT

Columbia, South Carolina

cc:

Mary Bass Lohr, Esquire
H. Fred Kuhn, Jr., Esquire
Jerri Ann Roseneau

FILED

March 24, 2020