

# 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

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## ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded by the court in its order denying the motion to recall remittitur, and hence, there is no basis for granting a rehearing. We, unfortunately, cannot review Appellants' petition for rehearing, which was filed after remittitur had been sent, even though Appellants and Respondent consented to recall the remittitur because this court (1) lost jurisdiction over the case when remittitur was filed, and (2) cannot recall remitter unless there is a strong showing this court sent the remittitur by mistake, and no such showing was made here. *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)); *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."); *State v. Keels*, 39 S.C. 553, 17 S.E. 802 (1893) (providing 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"). Accordingly, the petition for rehearing is denied.

James E. Lockyer C.J.

U. Ke J.

D. Manli J.

Columbia, South Carolina

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

**FILED**  
**Jul 08 2020**