

The South Carolina Court of Appeals

Ronald Tucker, Jr. and Kenneth W. Tucker a/k/a Kenneth Tucker, Individually and as Co-Personal Representatives of the Estate of Mary H. Tucker, and Michael Allen, Respondents,

v.

Lutricia Tucker Baxley, Gwendolyn Garretson, Priscilla Gray, Florie T. Hamilton, Jamika Tucker Jackson, Doris Tucker Jenkins, Alice C. Johnson, Pamela D. Tucker McKnight, Charlene Tucker Smalls, Abraham Tucker, Ashaunte Tucker, Bradley Tucker, Calvin Tucker, Clifford Tucker, Craig Tucker, Cynthia Marie Tucker, Cynthia Tucker, Dorothy Tucker, Dorothy Kitt Tucker, Frank T. Tucker, Gary C. Tucker, Hazel Tucker, Herman Tucker, Kenneth J. Tucker, Kenneth Tucker, Larry Tucker, Lillian A. Gregg Tucker, Mary Tucker, Maurice Tucker, Michael Anthony Tucker, Reubin Tucker, III, Ryan Tucker, Sadie Hutchinson Tucker, Shawn Tucker, Sheldon Tucker, Shontique Tucker, Sophronia Tucker, Spencer Tucker, Victor Leroy Tucker, Victoria Lorene Tucker, Deborah Tucker White, John Doe, a fictitious name used herein to designate the estates and unknown heirs at law, distributees, devisees, issue, personal representative, successors and/or assigns of Lawrence Herman Cuttino, Lula Tucker Cuttino, Jerry Cuttino, Drayton W. Gray, Jr., Marion Tucker Gray, Alonza Tucker, Bernice Harrison Tucker, Crsedra Yvette Tucker, Charles Tucker, Donald Vaughn Quentin Tucker, Eliza Gallashaw Tucker, Emmie Richardson Tucker, Geraldine Tucker, Harry Tucker, Israel Tucker, Sr., James Tucker, Lucille Tucker, Lucius J. Tucker, Mary Ella Tucker, Nathaniel Tucker, Regimen Gerthrod Tucker, Reubin Tucker, Reubin Tucker, Jr., Ronald Tucker, Teselene Rivers Tucker, Theron Antonio Tucker, William Tucker, Willie B. Tucker all being deceased person(s) or who may be deceased person(s); and Mary Roe, a fictitious

name designating all other persons and legal entities unknown who may have or claim any right, title, estate, interest in or lien upon the real estate described herein, including any such as may be infants, minors, prisoners, incompetents, or under any other disability, including the Servicemembers Civil Relief Act, American Builders & Contractors Supply Co, Inc., Citifinancial Department of the Treasury-Internal Revenue Service, First Credit of Holly Hill, Lowcountry Credit, LLC, South Carolina Department of Revenue, South Carolina Electric and Gas, Herbert E. Myers, Defendants,

of whom Lutricia Tucker Blakey, Gary C. Tucker, Spencer Tucker, Sophronia Tucker, Pearl Hazel Tucker, Reubin Tucker, III, Cynthia Marie Tucker, Victoria Lorene Tucker, Victor Leroy Tucker, Theresa Tucker, Heirs of Reubin Tucker and Reubin Tucker, Jr., Deborah Tucker White and the Heirs of Alonzo Tucker, Clifford Tucker, Calvin Tucker, Shawn Tucker, and Darryl Tucker, and the Heirs of Nathaniel Tucker, Samuel Tucker and Dorothy Tucker, Cynthia Tucker, Larry Tucker, Craig Tucker, Sheldon Tucker, Charlene Tucker Smalls, Bradley Tucker, Ryan Tucker, Ashaunte Tucker, Jamika Tucker Jackson, and Shontique Tucker, and Hirs of Israel Tucker, Sr., Gwendolyn Garretson, Priscilla Gray, Heirs of Marion Tucker Gray are the Appellants.

Appellate Case No. 2020-000209

ORDER

This appeal was dismissed on June 29, 2020. No petition for rehearing was filed as of July 23, 2020, and this Court sent down the remittitur on that day. Appellant has now filed a motion requesting that this court recall the 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).

Appellant has failed to make such a showing. Because Appellant failed to timely file a petition for rehearing with this Court, remittitur was properly sent, and this Court no longer has jurisdiction over the case. Appellant's motion, therefore, is denied.


FOR THE COURT

Columbia, South Carolina

cc:

Maria Kiehling Brees, Esquire
James Earle Reeves, Esquire
Peter Brandt Shelbourne, Esquire
Cheryl L. Graham

FILED
Sep 23 2020