

# The Supreme Court of South Carolina

The State, Respondent,

v.

Willie Young, Petitioner.

Appellate Case No. 2021-000056

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## ORDER

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By order dated February 10, 2021, this Court dismissed the petition for a writ of certiorari to the court of appeals in this matter for failure to provide proof of timely service of the petition on the State. Petitioner now asks the Court to reinstate the petition. The State has not filed a return to the motion to reinstate.

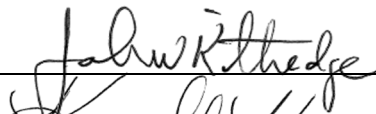
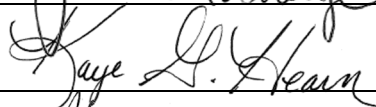

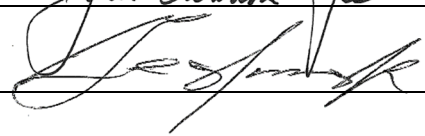
Because the remittitur was erroneously sent by the court of appeals prior to fifteen days after the order of dismissal, we direct the court of appeals to recall the remittitur. *See* Rule 260(a), SCACR (providing that, following dismissal, the clerk shall remit the case to the lower court unless a motion to reinstate the appeal has been received by the court within fifteen days of filing of the order of dismissal, with the day of filing being excluded); *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) (holding the only exception to the rule that the appellate court no longer has jurisdiction over a matter after the remittitur is sent is when the remittitur is sent by mistake, error, or inadvertence of the appellate court).

Although Petitioner did not timely serve the state with the petition for a writ of certiorari, he has now filed proof of service. *See* Rule 263(b), SCACR (providing this Court may extend the time for performing any act except service of the notice of appeal under Rules 203 and 243). Accordingly, we grant the motion to reinstate.



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C.J.

  
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J.

Columbia, South Carolina  
April 20, 2021

cc: Alan McCrory Wilson, Esquire  
Joshua Abraham Edwards, Esquire  
David Michael Pascoe, Jr., Esquire  
Mr. Willie Young, III, 285487  
The Honorable Jenny Abbott Kitchings