



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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January 24, 2023

The Honorable Renee Elvis
PO Box 677
Conway SC 29528-0677

REMITTITUR

Re: The State v. Frank W. Gorbe, Jr.
Lower Court Case No. 2021GS2601519, 2021GS2601520
Appellate Case No. 2022-001760

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "V. Claire Allen".

CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire
Lawrence R. Filiberto, Esquire

Robert Michael Dudek, Esquire
Clay Watson Pinkerton, Esquire

The South Carolina Court of Appeals

The State, Respondent,

v.

Frank William Gorbe, Jr., Appellant.

Appellate Case No. 2022-001760

ORDER

This appeal arises out of a sentence imposed on November 15, 2022. The proof of service provided with the notice of appeal shows service on November 29, 2022. Because the notice of appeal was not timely served, the appeal is dismissed. *See State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) (noting timely service of the notice of appeal is a jurisdictional requirement); Rule 203(b)(2), SCACR ("After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.


_____, J.
FOR THE COURT

Columbia, South Carolina

cc:
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire
Lawrence R. Filiberto, Esquire

FILED
Jan 03 2023

Robert Michael Dudek, Esquire
Clay Watson Pinkerton, Esquire