

The South Carolina Court of Appeals

The State, Respondent,

v.

Michael Kenneth Cox, Appellant.

Appellate Case No. 2023-000056

ORDER

Because Appellant has failed to timely serve the notice of appeal, this appeal is dismissed for lack of appellate jurisdiction. *See* Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within ten days after receipt of written notice of entry of the order; however, "[w]hen a *timely* post-trial motion is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion"); *State v. Pfeiffer*, 427 S.C. 10, 13, 828 S.E.2d 764, 766 (2019) ("Successive Rule 29(a) motions are generally not permitted."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) ("[A] second motion for reconsideration . . . is appropriate only if it challenges something that was altered from the original judgement as a result of the initial motion for reconsideration." (discussing *Coward Hund Constr. Co. v. Ball Corp.*, 336 S.C. 1, 3–4, 518 S.E.2d 56, 58 (Ct. App. 1999))); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). The remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

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Robert Michael Dudek, Esquire

Jason Christopher Alderman, Esquire

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Alan McCrory Wilson, Esquire

FILED
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