

The South Carolina Court of Appeals

The State, Respondent,

v.

Terron Gerhard Dizzley, Appellant

Appellate Case No. 2022-000671

ORDER

This appeal was dismissed on May 24, 2022 for untimely service of the notice of appeal. Appellant received written notice of entry of the order on appeal on April 19, 2022, and did not serve Respondent with the notice of appeal until May 11, 2022. See Rule 203(b)(2), SCACR (providing that in a criminal appeal, "a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment"). Appellant has now filed a motion to reinstate this appeal, which we construe as a petition to rehear the dismissal. In his petition, Appellant asserts for the first time that he filed a motion to alter or amend the order on appeal on April 25, 2022, and his motion was never ruled on by the trial court. See Rule 203(b)(2) ("When 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.").

Because Appellant's motion to alter or amend tolled the time for serving and filing the notice of appeal, we grant the petition, reinstate this appeal, and remand to the circuit court to rule on Appellant's April 25, 2022 motion. This appeal will be held in abeyance pending resolution of this matter and Appellant shall provide an update to the clerk of this court no later than fifteen days from the date of this order, with a copy to counsel for Respondent. Failure to provide a status update may result in the dismissal of this appeal.

41 B. W. C.J.
U. K. J.
[Signature] J.

Columbia, South Carolina

cc:
Terron G. Dizzley, 00359480
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
Charles David Barr, Esquire
The Honorable Benjamin H. Culbertson

FILED
Aug 11 2022