

The South Carolina Court of Appeals

Stanley Williams, Appellant,

v.

Alton Williams, Respondent.

Appellate Case No. 2023-000211

ORDER

On January 12, 2023, the master-in-equity found Appellant's "notice of the entry of the order will be considered to be January 12, 2023." On February 10, 2023, Appellant served his notice of appeal. On March 7, 2023, Respondent moved to dismiss the notice of appeal as untimely served. By an order dated April 11, 2023, this court denied the motion to dismiss.

Thereafter, on April 13, 2023, Respondent moved yet again to dismiss the appeal as untimely served. After careful consideration, we deny the motion to dismiss. *See USAA Prop. & Cas. Ins. Co. v. Clegg*, 377 S.C. 643, 651-652, 661 S.E.2d 791, 795-796 (2008) (deferring to the circuit court's implicit credibility determination of when USAA's counsel received notice of entry of the order where the record was silent on the basis for the determination and the opposing party made no motion for specific factual findings for its decision). Nothing prevents Respondent from raising the question of timely service of the notice of appeal as an issue in his appellate brief should he so choose.


C.J.
FOR THE COURT

Columbia, South Carolina

cc:

John Joseph Dodds, III, Esquire

Shawn Micheal French, Sr., Esquire

Stephen Peterson Groves, Sr., Esquire

Stanley Williams

FILED
Jun 02 2023