

The South Carolina Court of Appeals

The State, Respondent,

v.

Measha Jaquetta Shawnic Joyner, Appellant.

Appellate Case No. 2024-000274

ORDER

On December 8, 2023, a jury found Appellant guilty of voluntary manslaughter and possession of a weapon during a violent crime, and the Honorable H. Steven DeBerry, IV, sentenced Appellant. On December 12, 2023, Appellant served her notice of appeal on opposing counsel and filed her notice of appeal with the Florence County Clerk of Court. However, Appellant did not file her notice of appeal with this court. On February 28, 2024, Appellant moved this court to accept late filing of the notice of appeal. No return to this motion was filed. After careful consideration, we grant the motion to allow late filing of the notice of appeal and we accept the notice of appeal as filed. *See* Rule 203(d)(1)(B), SCACR (stating the notice of appeal shall be filed with the clerk of the appellate court within ten days after the notice of appeal is served); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."); *Mears v. Mears*, 287 S.C. 168, 337 S.E.2d 206 (1985) (explaining timely *service* of the notice of appeal is a jurisdictional requirement that cannot be extended or expanded).

Appellant also moved to remand her case to Judge DeBerry for consideration of her motion for credit for time served while on monitored house arrest. According to the motion, Appellant moved for such credit at the time of sentencing, and Judge DeBerry took the matter under advisement. No return to this motion was filed. After careful consideration, we grant the motion to hold the appeal in abeyance and remand to Judge DeBerry for the limited purpose of ruling on Appellant's motion for credit for time served while on monitored house arrest. Appellant shall provide this

court with status updates every thirty days. Failure to file status updates will result in dismissal of this appeal.



FOR THE COURT

Columbia, South Carolina

cc:

Rose Mary Parham, Esquire
Robert Michael Dudek, Esquire
Todd S. Tucker, Esquire
Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire
Honorable H. Steven DeBerry, IV
Honorable Doris Poulos O'Hara

FILED
Apr 01 2024
