



# The South Carolina Court of Appeals

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July 23, 2024

The Honorable Brice Garrett  
Courthouse  
305 E North St  
Greenville SC 29601-2121

## **REMITTITUR**

Re: John Alexander v. William G. Yarborough, III  
Lower Court Case No. 2023CP2301388  
Appellate Case No. 2023-001839

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 "Catherine Harrison, deputy".

CLERK

Enclosure

cc: John Douglas Alexander, 194748  
William G. Yarborough, III, Esquire

# The South Carolina Court of Appeals

John Alexander, Appellant,

v.

William G. Yarborough, III, Esquire; Lisa Cherry; John Doe, Contract Attorney; and John Doe, Paralegal, Respondents.

Appellate Case No. 2023-001839

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## ORDER

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On March 28, 2024, this court dismissed this appeal after Appellant failed to file proof of timely service of the notice of appeal upon Respondents with this court. Appellant has now filed a motion to reinstate, which we construe as a petition to rehear the dismissal.<sup>1</sup> In his petition, Appellant argues that he properly *filed* his notice of appeal within thirty days of his receipt of notice of entry of the order on appeal. However, he has still failed to file proof that he timely *served* the notice of appeal upon Respondents, which is a jurisdictional requirement. *See* Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); *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."). Therefore, after careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been

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<sup>1</sup> Appellant has also filed a successive motion to proceed *in forma pauperis*. This court already considered and denied Appellant's request to proceed *in forma pauperis*. Accordingly, we decline to entertain this motion. *See* Rule 240(i), SCACR ("The court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

H. Bruce Williams C.J.

U. Ke J.

W. G. Yarborough, III J.

Columbia, South Carolina

cc:  
John Douglas Alexander, 194748  
William G. Yarborough, III, Esquire

**FILED**  
**Jun 14 2024**

# The South Carolina Court of Appeals

John Alexander, Appellant,

v.

William G. Yarborough, III, Esquire; Lisa Cherry; John Doe, Contract Attorney; and John Doe, Paralegal, Respondents.

Appellate Case No. 2023-001839

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## ORDER

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Appellant initially filed a notice of appeal from the circuit court's October 27, 2023 order on November 27, 2023. However, he failed to file a proof of service with the notice of appeal. Accordingly, this court sent Appellant a letter advising him he must file a proof of service, as well as a number of other deficiencies. Appellant subsequently filed a proof of service stating he served the notice of appeal upon Respondents on December 11, 2023. Because Appellant 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 thirty days after receipt of written notice of entry of the order); *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.

Additionally, Appellant's motion to proceed *in forma pauperis* is denied. *See Martin v. State*, 321 S.C. 533, 535, 471 S.E.2d 134, 134-35 (1995) ("In the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions.").



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Mar 28 2024**

cc:

John Douglas Alexander, 194748

William G. Yarborough, III, Esquire