

The South Carolina Court of Appeals

Terron Dizzley, Appellant,

v.

Erin Bailey, Scott Hixon, Gregory Hembree, Georgetown County Solicitor's Office, Melvin Garrett, Georgetown County Sheriff's Department, Elaine C. Elliott, and Solicitor Jimmy Richardson, in their individual and official capacity, Respondents.

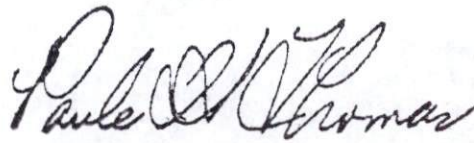
Appellate Case No. 2024-001176

ORDER

Appellant filed his notice of appeal on June 17, 2024. This court sent Appellant a letter on July 24, 2024 advising him that the proof of service he filed with his notice of appeal failed to show service upon counsel for Respondents. On August 6, 2024, Appellant filed an amended proof of service. However, Appellant still failed to show service of the notice of appeal upon all of the Respondents' counsel. Additionally, Appellant stated in his notice of appeal that he received notice of entry of the order on appeal on May 16, 2024, and his amended proof of service attests he served the notice of appeal on August 6, 2024, more than thirty days later. *See* Rule 203(b)(1), SCACR (providing the notice of appeal must be served on all respondents within thirty days of receipt of written notice of entry of the order on appeal).

Accordingly, this court lacks jurisdiction to hear this appeal, and the appeal is dismissed. *See 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.¹



FOR THE COURT

Columbia, South Carolina

FILED
Oct 15 2024

cc:

Terron Dizzley, 359480
Samuel F. Arthur, III, Esquire
James Matthew Johnson, Esquire
J.W. Nelson Chandler, Esquire

¹ Appellant's motion to proceed *in forma pauperis* is denied. See *Ex parte Martin*, 321 S.C. 533, 471 S.E.2d 134 (1995) (providing the right to proceed *in forma pauperis* must rest upon a statute or a fundamental constitutional right). Because the appeal is dismissed, we decline to rule on Appellant's remaining pending motions.