



# The South Carolina Court of Appeals

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November 04, 2024

The Honorable Alma Y. White  
PO Box 479  
Georgetown SC 29442-0479

## REMITTITUR

Re: Terron Dizzley v. Erin Bailey  
Lower Court Case No. 2024CP2200105  
Appellate Case No. 2024-001176

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

# 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

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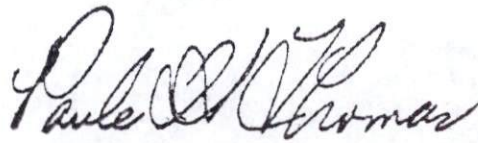
## ORDER

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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.<sup>1</sup>



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**Oct 15 2024**

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cc:

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

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<sup>1</sup> 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.