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S.C. SUPREME COURT

In The Supreme Court of South Carolina
Appeal From South Carolina Court of Appeals

Case No. 2024-001176

Erin Bailey, et al.....Respondents

v.

Terron Gerhard Dizzley.....Appellant

NOTICE OF APPEAL

I, Terron Gerhard Dizzley, Appeals the order from the S.C. Court of Appeals in aboved matter dated October 15, 2024. Appellant received written notice and remittitur on November 15, 2024.

Date: 11-22-2024

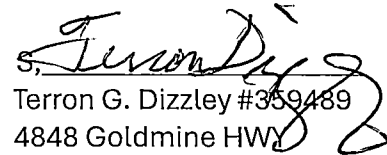
Chandler and Dudgeon
180 E. Bay St., Suite 200
Charleston S. C., 29401

Attorney General's Office
Alan Wilson
P.O. Box 11549
Columbia S. C., 29211

Jimmy Richardson
401 Cleland St.
Georgetown S. C., 29440

South Carolina Court of Appeals
Post Office Box 11629
Columbia S.C., 29211

The Supreme Court of South Carolina
Post Office Box 11330
Columbia S. C., 29211


S. Terron G. Dizzley #359489
4848 Goldmine HWY
Kershaw S.C., 29067

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.

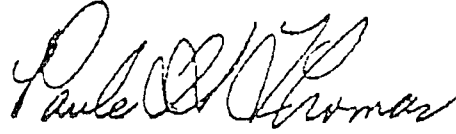
Appellate Case No. 2024-001176

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.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

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,

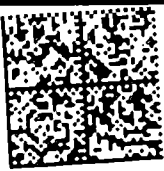
A handwritten signature in cursive script that reads "Catherine Harrison, deputy".


CLERK

Enclosure

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

Terron Dizzley #359480
Ker. C.I. O-B-2
4848 Goldmine HWY
Kershaw Cor., S.C. 29067



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S.C. SUPREME COURT

**Dizzley
LEGAL
359480**