

The Supreme Court of South Carolina

Warren Smith, #184653, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002256

Lower Court Case No. 2012-CP-16-00732

ORDER

The notice of appeal in this matter was served on October 17, 2013. Petitioner's counsel indicates that he received written notice of entry of the order on appeal on or about September 12, 2013, but requests that the time limitations be waived.

The time to serve the notice of appeal cannot be extended and the timely service of the notice of appeal remains a jurisdictional requirement. Rule 263(b), SCACR; *Elam v. South Carolina Dept. of Transportation*, 361 S.C. 9, 602 S.E.2d 772 (2004) Accordingly, the request to waive the time limitations is denied and the notice of appeal is dismissed since it has not been timely served under Rules 243(b) and 203(b)(1) of the South Carolina Appellate Court Rules (SCACR). The remittitur will be sent as provided by Rule 221, SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
October 30, 2013

cc: Karen C. Ratigan, Esquire
Parker E. Howle, Esquire