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Mar 20 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Charleston County
The Honorable William C. McMaster, III

The State,

Respondent,

vs.

Jaimen Quavere Tisdale,

Appellant.

Appellate Case No. 2026-000655

**RETURN TO MOTION TO PERMIT LATE FILING OF
THE NOTICE OF APPEAL**

Appellant moves to have his admittedly late notice of appeal accepted by the Court. The State objects as Appellant's request is futile. Permitting a late filing fails to address the critical flaw in the attempted appeal, *i.e.*, the failure to timely serve the notice. Because the notice was not timely served, it must be dismissed. In support of this position, Respondent would respectfully show the Court:

1. Appellant submitted the motion to permit late filing of the notice of appeal with an assertion that the notice was timely served. (Mtn. at 1 and 3). On March 12, 2026, this Court advised appellate counsel that the notice of appeal reflected several deficiencies, including that appellate counsel had failed to provide proof of service for the notice. In response, appellate counsel has now filed an affidavit from trial counsel's legal assistant that supports the notice was not sent to the State. (March 18, 2026, Affidavit of Tamara Morris, ¶ 6). Thus, appellate counsel

has now shown that the notice was not timely served. Consequently, there is no jurisdiction for this appeal to continue.

2. Rule 203(b)(2), SCACR, requires the notice of appeal from a general sessions action to “be served on all respondents within ten (10) days after the sentence is imposed.” “The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to ‘rescue’ the delinquent party by extending or ignoring the deadline for service of the notice.” *State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) (quoting *USAA Prop. & Cas. Ins. Co. v. Clegg*, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008)). Here, the deadline for service was missed, thus, “the appellate court lacks jurisdiction to consider the appeal[.]” *Id.* Because there is no jurisdiction, the motion to allow filing of the notice should be denied as futile because the notice must be dismissed. *See generally Shupe v. Settle*, 315 S.C. 510, 515, 445 S.E.2d 651, 654 (Ct. App. 1994) (“It is well settled law that equity will not require the doing of a futile act.”).


Respectfully submitted,

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By: 

MELODY J. BROWN
SC Bar No. 14244
ATTORNEYS FOR RESPONDENT

March 20, 2026
Columbia, South Carolina.

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CERTIFICATE OF SERVICE

The undersigned certifies that, pursuant to Rule 262 (c)(3), SCACR, and the April 24, 2024 Amended Order of the Supreme Court of South Carolina, the *Return to Motion to Permit Late Filing of the Notice of Appeal* has been served upon Appellant's counsel, by forwarding same via email today at the following addresses: elizabeth@franklinbestlaw.com and ladonna@franklinbestlaw.com this 20th day of March, 2026.



MELODY J. BROWN
SC Bar No. 14244

From: [Melody Brown](#)
To: [Elizabeth Franklin-Best](#); "ladonna@franklinbestlaw.com"
Subject: State v. Tisdale: Appellate Case No. 2026-000655
Date: Friday, March 20, 2026 4:56:00 PM
Attachments: [03202026.pdf](#)
[image001.png](#)

Dear counsel:

Attached please find a copy of the State's return to motion to permit late filing of the notice of appeal with proof of service. The return and certificate will be filed shortly with the Court of Appeals. Thank you.

Kind regards,

MELODY J. BROWN, Senior Assistant Deputy Attorney General

Office of the South Carolina Attorney General

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