

The South Carolina Court of Appeals

John David Payne, II, Appellant,

v.

South Carolina Department of Public Safety and
Darlington County Sheriff's Office, Defendants,

of which Darlington County Sheriff's Department is the
Respondent.

Appellate Case No. 2026-000025

ORDER

On January 5, 2026, Appellant filed a notice of appeal from a circuit court order received by Appellant on December 5, 2025. Although Appellant served Respondent with the notice of appeal on January 5, 2026, Appellant failed to serve Respondent's counsel with the notice of appeal until after January 5, 2026. Respondent filed a motion to dismiss for failing to timely serve Respondent's counsel. After careful consideration, we grant Respondent's motion to dismiss this appeal as untimely served. *See* Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); Rule 262(c), SCACR ("Whenever under these Rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party is ordered by the appellate court."); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of 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 provided by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

FILED
Mar 25 2026

cc:

John David Payne, II
James Edward Haarsgaard, Esquire
Carmen Vaughn Ganjehsani, Esquire