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S.C. SUPREME COURT



ALAN WILSON
ATTORNEY GENERAL

July 6, 2026

The Honorable Patricia A. Howard
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Justin Pinson v. State – Appellate Case No. 2026-001480

Dear Ms. Howard:

The above-referenced matter is currently pending before this Court after the petitioner, Justin Pinson, filed a pro se petition for a writ of certiorari on June 28, 2026, following the dismissal of his appeal by the Court of Appeals for lack of appellate jurisdiction based on his failure to timely serve all respondents with the notice of appeal as required. Please accept this letter in lieu of a formal return to the pro se petition by the State.

Initially, before addressing the substance of Mr. Pinson's pro se petition, the State would note the matter is currently incorrectly captioned as Justin Pinson v. Abbeville Magistrate. Since this matter involves an appeal of an Abbeville County Magistrate Court criminal conviction for breach of peace and an accompanying fine, it should be captioned as Justin Pinson v. State.

Meanwhile, as to the merits of the pro se petition, Mr. Pinson asks this Court to grant a writ of certiorari, vacate the orders issued by the Court of Appeals, and reinstate his appeal for full review on the merits. Importantly though, in seeking such relief, Mr. Pinson—as reflected in both his pro se petition and the accompanying attachments to it—expressly concedes: (1) he received written notice of the judgment he was seeking to appeal to the Court of Appeals on February 12, 2026; (2) he initially only served his notice of appeal on the Abbeville County Clerk of Court on March 5, 2026; and (3) he did not serve his notice of appeal on counsel for the State until he sent it to the Eighth Judicial Circuit Solicitor's Office on June 2, 2026.

Just as the Court of Appeals correctly recognized, Mr. Pinson was required to serve his notice of appeal on all respondents within thirty days of the date he received written notice of the entry of the order he was seeking to appeal, which—in this case—occurred on February 12, 2026. Rule 203(b)(1), SCACR. Meanwhile, because this matter involved an appeal of a criminal conviction, the State of South Carolina was the only proper respondent. See, e.g., In re Martel, 444 S.C. 517, 520, 909 S.E.2d 402, 403 (2024) (recognizing the State is the proper respondent in an appeal of an offense against the State). But, by his own admission, Mr. Pinson did not serve the State with his notice of appeal until June 2, 2026, which was a date falling 110

days after he received written notice of the entry of the order he wished to appeal.

Therefore, Mr. Pinson's notice of appeal was not timely served on the State, and, as a result, appellate jurisdiction did not and does not exist in Mr. Pinson's case pursuant to well-established South Carolina law. See Conner v. City of Forest Acres, 348 S.C. 454, 461, 560 S.E.2d 606, 609 (2002) ("Service of the notice of intent to appeal is a jurisdictional requirement, and the Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."); White v. State, 263 S.C. 110, 119, 208 S.E.2d 35, 39 (1974) ("[I]t is well settled that in the absence of a notice of appeal having been given and timely served [the appellate court] has no jurisdiction over such an appeal."). Accordingly, the Court of Appeals did the only thing it could properly do by dismissing his appeal, and this Court should likewise reject Mr. Pinson's pro se petition for a writ of certiorari because appellate jurisdiction does not exist in his case due to his failure to timely serve his notice of appeal as required. See Elam v. S.C. Dep't of Transp., 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("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."); cf. Bowles v. Russell, 551 U.S. 205, 214 (2007) ("Today we make clear that the timely filing of a notice of appeal in a civil case is a jurisdictional requirement. Because this Court has no authority to create equitable exceptions to jurisdictional requirements, use of the 'unique circumstances' doctrine is illegitimate.").

For those reasons, the State respectfully asks this Court to reject and dismiss the pro se petition for a writ of certiorari that has been filed in this case. Thank you very much, and, if you should have any questions or concerns or if a more formal return is desired, please do not hesitate to contact me.

Sincerely,



Mark R. Farthing
Senior Assistant Deputy Attorney General
S.C. Bar Number 76901

MRF/

cc: Justin Pinson, Pro Se Petitioner
Victim Advocacy Division