

# The South Carolina Court of Appeals

The State, Respondent,

v.

Terence Hayes, Appellant.

Appellate Case No. 2013-001894

RECEIVED  
CLERK OF COURT  
LEXINGTON COUNTY  
SOUTH CAROLINA

2014 MAR -5 AM 9:07

FILED

## ORDER

The Court received a letter from the State suggesting that it may be appropriate to recall the remittitur. We construe the State's letter as a motion to recall the remittitur and accordingly grant the motion.

This Court's remittitur was sent to the Clerk of Lexington County on December 2, 2013. It is now necessary for this Court to recall the remittitur. The Clerk of Lexington County is, therefore, directed to return the remittitur to the Clerk of the South Carolina Court of Appeals within ten days from the date of this order.

FOR THE COURT

BY Joy A. Latup  
CLERK

Columbia, South Carolina

cc:  
Terence Hayes, 355250  
Salley W. Elliott, Esquire  
Nathaniel Roberson, Esquire  
Robert Michael Dudek, Esquire

RECEIVED

MAR 07 2014

SC Court of Appeals

FILED

3/3/14 CA

3/5/14

C. Dayton Riddle, III, Esquire  
The Honorable Beth Carrigg



ORIGINAL

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMNER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

December 02, 2013

The-Honorable-Beth Carrigg  
205 E Main St Ste 146  
Lexington SC 29072-3557

REMITTITUR

Re: The State v. Terence Hayes  
Lower Court Case No. 2009GS3202398  
Appellate Case No. 2013-001894

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,

*V. Claire Allen, Deputy*

CLERK

cc: Terence Hayes  
Salley W. Elliott, Esquire  
Nathaniel Roberson, Esquire  
Robert Michael Dudek, Esquire  
C. Dayton Riddle, III, Esquire

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MAR 07 2014

SC Court of Appeals

DECLINING

NO

# The South Carolina Court of Appeals

The State, Respondent,

v.

Terence Hayes, Appellant.

Appellate Case No. 2013-001894

2013 DECEMBER 10 10:54  
BEVERLY A. CARRIGG  
CLERK OF COURT  
COLUMBIA, SC

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## ORDER

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The notice of appeal in this case indicates that the appellant received written notice of entry of the order denying his motion for reconsideration of his sentence on July 9, 2013. The proof of service for the notice of appeal indicates it was served on opposing counsel on September 6, 2013. Pursuant to Rule 203(b)(2) of the South Carolina Rules of Appellate Procedure (SCACR), appeals from the Court of General Sessions must be served on all respondents within ten days after receipt of written notice of entry of the order granting or denying a motion for reconsideration. Because the notice of appeal was not timely served, this appeal is dismissed. *See Hill v. S.C. Dep't of Health & Env't'l Control*, 389 S.C. 1, 23, 698 S.E.2d 612, (2010) ("The service of a notice of appeal is a jurisdictional requirement, and the time for service may not be extended by this Court."). Remittitur will be sent pursuant to Rule 221(b), SCACR.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

DEC 10 2013



cc:

Salley W. Elliott

Nathaniel Roberson

Robert Michael Dudek

C. Dayton Riddle, III

Terence Hayes, #00355250

**FILED**

November 8, 2013

DEC 10 2013