

The Supreme Court of South Carolina

State of South Carolina, Respondent,

v.

Susan Hendricks, Appellant.

Appellate Case No. 2014-000841

Lower Court Case Nos. 2012GS3900521,

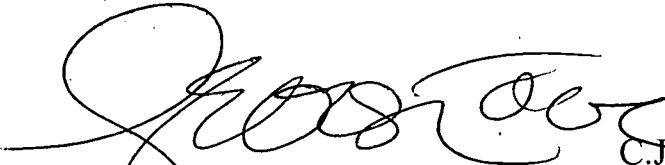
2012GS3900522, 2012GS3900523, and 2012GS3900524

ORDER

According to the case management system for Pickens County, Appellant pled guilty and was sentenced in the above matters on April 26, 2013. Appellant has now filed a notice of appeal from those convictions with this Court. The proof of service indicates that the notice of appeal was served on the Office of the South Carolina Attorney General on April 10, 2014.

Appellant has not served the notice of appeal within the time specified by Rule 203 of the South Carolina Appellate Court Rules (SCACR). Accordingly, the notice of appeal is dismissed. Rule 263(b), SCACR (the time to serve the notice of appeal cannot be extended); *Elam v. South Carolina Dept. of Transportation*, 361 S.C. 9, 602 S.E.2d 772 (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.”). This dismissal is without prejudice to whatever right appellant may now have to seek a belated review under *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974) by filing an application for post-conviction relief (PCR) in the circuit court. *Wicker v. State*, 310 S.C. 8, 425 S.E.2d 25 (1992) (“Under an exception to the prohibition against appellate courts considering appeals in the absence of notice of intent to appeal given and timely served, *White v. State, supra*, permits consideration of the full trial record on this issue in conjunction with appellate review of the PCR proceeding.”); *see also Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986)

(discussing procedure to be followed for *White v. State* review depending on the findings of the PCR judge); Rule 243(i), SCACR (same). The remittitur will be sent as provided by Rule 221, SCACR.



C.J.

FOR THE COURT

Columbia, South Carolina
April 28, 2014

cc: Ms. Susan Hendricks, #355210
Office of the Attorney General