

The Supreme Court of South Carolina

John W. Goldsmith, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-000668

Lower Court Case No. 2013CP2302304

ORDER

On January 27, 2014, the final order in this matter was filed with the clerk of the circuit court. On March 27, 2014, the South Carolina Court of Appeals received a notice of appeal from the final order, and it was assigned Appellate Case No. 2014-000668. This notice of appeal, which was dated March 20, 2014, was transferred to this Court.

This notice of appeal was dismissed by order dated April 3, 2014. When no petition for rehearing or reinstatement was timely received, the remittitur was sent to the circuit court on April 21, 2014. Rule 221 of the South Carolina Appellate Court Rules (SCACR).

Petitioner has now filed a second notice of appeal from the final order. This notice of appeal is dated June 9, 2014.

This second notice of appeal is dismissed for two reasons. First, petitioner has failed to provide a proof of service showing that this notice of appeal has been served on opposing counsel as required by Rules 243(b) and 203(d)(1)(B)(i), SCACR.

Second, there is no provision of the SCACR that allows a second notice of appeal to be filed from the same order or judgment. Therefore, the second notice is improper.

Accordingly, the second notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221, SCACR.¹


C.J.
FOR THE COURT

Columbia, South Carolina
June 30, 2014

cc: Karen Christine Ratigan, Esquire
John W. Goldsmith #281165

¹ In part, petitioner argues that this first notice of appeal should not have been dismissed. These arguments should have been made by a timely petition for rehearing or reinstatement following the order of dismissal dated April 3, 2014.