

The Supreme Court of South Carolina

John Wallace Hayward, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002278

ORDER

On October 29, 2015, petitioner filed a notice of appeal from an order of the circuit court filed September 29, 2015, which denied petitioner's application for post-conviction relief. Petitioner failed to show proof of service of the notice of appeal on the Attorney General's Office. Petitioner was granted an extension of time, until December 11, 2015, to provide proof of timely service on the Attorney General's Office, but he failed to do so and as a result, by order dated December 18, 2015, the notice of appeal was dismissed. Petitioner now requests that the appeal be reinstated because he served the notice of appeal on the Attorney General's Office on December 10, 2015.

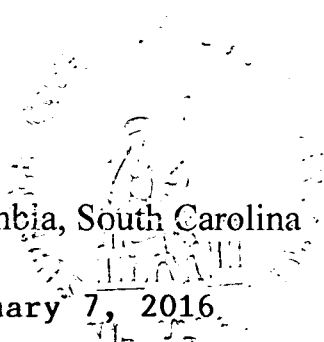
A notice of appeal must be served on all respondents within thirty days after receipt of written notice of entry of the order or judgment on appeal. Rule 203(b)(1), SCACR; Rule 243(b), SCACR. Service of the notice of appeal is a jurisdictional requirement and the time for serving the notice cannot be extended. Rule 263(b), SCACR. If the notice of appeal is not timely served, this Court does not have jurisdiction and the appeal will be dismissed. *State v. Hinson*, 303 S.C. 92, 399 S.E.2d 422 (1990). Accordingly, because petitioner failed to serve the respondent in this matter with the notice of appeal within thirty days after receipt of written notice of entry of the order denying petitioner's application for post-conviction relief, this Court does not have jurisdiction to entertain the appeal. The

motion to reinstate is therefore denied.



FOR THE COURT

C.J.



Columbia, South Carolina

January 7, 2016

cc:
James Clayton Mitchell, III, Esquire
John Wallace Hayward, #291763
The Honorable Jeanette McBride