

The South Carolina Court of Appeals

Regina Black, individually and as Guardian of Grace
Ashlyn B., a minor under the age of fourteen, Appellant,

v.

Dwakiah Chanye Anderson, Respondent.

Appellate Case No. 2015-002562

ORDER

Because Appellant has failed to timely serve the notice of appeal, this appeal is dismissed. *See Elam v. South Carolina Dep't of Transp.*, 361 S.C. 9, 20, 602 S.E.2d 772, 778 (2004) ("An appeal may be barred due to untimely service of the notice of appeal when a party-instead of serving a notice of appeal-files a successive Rule 59(e) motion, where the trial judge's ruling on the first Rule 59(e) motion does not result in a substantial alteration of the original judgment. An appeal also may be barred due to untimely service of the notice of appeal when a party-instead of serving a notice of appeal-recaptions a written JNOV/new trial motion, which has been ruled on, and resubmits it as a virtually identical, written Rule 59(e) motion."); Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. When a *timely* motion for judgment n.o.v. (Rule 50, SCRCPP), motion to alter or amend the judgment (Rules 52 and 59, SCRCPP), or a motion for a new trial (Rule 59, SCRCPP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion." (emphasis added)); *Elam*, 361 S.C. at 14-15, 602 S.E.2d at 775 ("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.").

The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:
Marcus LeFond Woodson, Esquire
Timothy Alan Domin, Esquire

FILED
2/3/16