

# The South Carolina Court of Appeals

The State, Respondent,

v.

Antonio Ochoa-Tavera, Appellant.

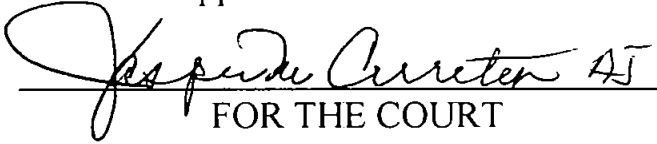
Appellate Case No. 2015-002329

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## ORDER

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Appellant has filed a motion for an extension of time to file his notice of appeal, explaining that his attorney failed to inform him of his right to appeal his conviction and sentence. Because this court cannot extend the time to serve the notice of appeal under Rule 203 of the South Carolina Appellate Court Rules, Appellant's motion is denied and this appeal is dismissed.<sup>1</sup> See Rule 263(b), SCACR (providing an appellate court cannot extend the time for serving the notice of appeal under Rule 203); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."). The remittitur will be sent as provided in Rule 221 of the South Carolina Appellate Court Rules.

  
FOR THE COURT

Columbia, South Carolina

cc:

FILED  
5/24/16

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<sup>1</sup> We note that Appellant's assertion that counsel failed to inform him of his right to appeal is an issue that is more appropriately raised in an action for post-conviction relief. See *Turner v. State*, 380 S.C. 223, 224, 670 S.E.2d 373, 374 (2008) (noting that following a trial, counsel is required to either obtain a waiver from the defendant or initiate an appeal).

John Kenneth Erwin, Jr., Esquire  
Scott David Robinson, Esquire  
Robert Michael Dudek, Esquire  
Joyce Krolak Monts, Esquire