



The South Carolina Court of Appeals

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June 06, 2016

The Honorable Jana E. Shealy
Edgar A. Brown Building
1205 Pendleton Street
Suite 224
Columbia SC 29201

REMITTITUR

Re: Christopher J. Hicks v. SCDC
Lower Court Case No. 2015ALJ040484AP
Appellate Case No. 2016-000141

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Christopher Jermane Hicks, 246896
Christina Catoe Bigelow, Esquire

The South Carolina Court of Appeals

Christopher J. Hicks, #246896, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2016-000141

ORDER

This appeal was dismissed due to Appellant's failure to timely serve the South Carolina Department of Corrections (the Department) and the Administrative Law Court as required by Rule 203(b)(6) of the South Carolina Appellate Court Rules. Appellant has now filed a petition to rehear the dismissal of this appeal.

Because Appellant served the Department and the ALC more than thirty days after he received written notice of the underlying order, this appeal was properly dismissed. *See* Rule 203(b)(6), SCACR (providing that the Appellant must serve the agency, the administrative law court, and all parties of record within thirty days of the receipt of the decision); 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."). Accordingly, there is no basis for granting a rehearing, and the petition for rehearing is denied.

Thomas E. Huff A.C.J.

J.

James M. Crutcher A.J.

Columbia, South Carolina

cc:
Christopher Jermane Hicks, 246896
Christina Catoe Bigelow, Esquire

FILED

5/12/16 ~~W/11/16~~