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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

June 8, 2016

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Leon A. Jones
Appellate Case No: 2016-001155

Dear Ms. Kitchings:

Please accept this letter as the State's Return to Appellant's Motion to Enlarge Time for filing the Notice of Appeal. Respondent has no objection to appellant's Motion as to the filing the notice of appeal out of time. As to the service of the notice of appeal, a notice of appeal from a criminal conviction must be served upon the State within ten (10) days of imposition of the sentence. See Rules 203(b)(2), 262(b), SCACR. The timely service is a jurisdictional requirement and this Court has no authority to extend or expand the time within which the notice of appeal must be served. State v. Hinson, 303 S.C. 92, 399 S.E.2d 422 (1990); Mears v. Mears, 287 S.C. 168, 337 S.E.2d 206 (1985); Miller v. State, 269 S.C. 113, 236 S.E.2d 422 (1977). The State also may not consent to appellate jurisdiction because the parties may not consent to jurisdiction if it is not properly acquired.

Sincerely,

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

JBA/ab

cc: Janek C. Kazmierski, Esquire
Ms. Trisha Allen