

STATE OF SOUTH CAROLINA

COUNTY OF COLLETON

) IN THE COURT OF COMMON PLEAS  
) FOR THE 14<sup>TH</sup> JUDICIAL CIRCUIT  
) 2016-CP-15-0626

State of South Carolina,

vs.

Daniel Glen Hieronymus,

Appellant.

**RECEIVED**

AUG 12 2016

ORDER

SC Court of Appeals

2016 JUL 13 AM 8:54  
PAINIOLA'S GRANT  
COLLETON COUNTY  
COMMON PLEAS

This matter came before the court on May 30, 2016 on an appeal from an order dated April 12, 2016, from a bench trial held before the Honorable J. Reaves McLeod in Magistrate's Court. Appellant was represented by Nancy Bloodgood, Esquire, and the State was represented by Assistant Attorney General Ashley A. McMahan.

At the hearing, the State argued that Appellant's case should be dismissed because the Notice of Appeal was not filed within the proscribed time limits, and this Court, therefore, did not have jurisdiction. Counsel for the State argued that this is a criminal matter and because the Magistrate's order specifically found the Appellant guilty of a misdemeanor pursuant to S.C. Code 44-1-150 and S.C. Code of Regulations 61-47, Appellant had ten (10) days with which to file the Notice of Appeal from this conviction. S.C. Code Ann. § 18-3-30.

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PAB

South Carolina Code 18-3-10 *et seq.* sets forth the manner for appealing a conviction from Magistrate's Court. S.C. Code 18-3-30 specifically states "the Appellant, within ten days after sentence, shall file a Notice of Appeal with the Clerk of Court..." S.C. Code Ann. 18-3-30. Furthermore, the Rules of Civil Procedure that allows service of a Notice of Appeal within 30 days of judgment does not apply to an appeal from a criminal conviction in Magistrate's Court.

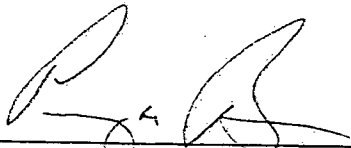
See State v. Brown, 344 S.C. 302, 543 S.E.2d 568 (2001), *overruled on other grounds by State v. Oxner*, 391 S.C. 132, 705 S.E.2d 51 (2011). See also USAA Prop. & Cas. Ins. Co. v. Clegg, 377S.C. 643, 651, 661 S.E.2d 791, 795 (2008), (“[t]he requirement of service of the Notice of Appeal is jurisdictional, i.e. if a party misses the deadline, the appellate courts 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 conviction against Appellant was entered on April 12, 2016, as noted by the judge’s signature on the order and the order finding Appellant guilty was served on the parties on that same date. See Honorable Reaves McLeod Order dated April 12, 2016. On May 20, 2016, Appellant filed a Notice of Appeal with the Colleton County Clerk of Court. See Appellant’s Notice of Appeal. The Notice of Appeal in this case was filed with the Clerk of Court almost three weeks beyond the deadline.

Therefore, based on the foregoing, this Court finds that Appellant’s appeal must be dismissed for failing to file the Notice of Appeal within the proscribed time limits.

IT IS SO ORDERED!

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The Honorable Perry M. Buckner, III  
Presiding Judge  
Fourteenth Judicial Circuit

July 7, 2016  
Walterboro, South Carolina.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

AUG 12 2016

APPEAL FROM COLLETON COUNTY  
Court of Common Pleas

SC Court of Appeals

Honorable Perry M. Buckner, III, Circuit Court Judge

Case No. 2016-CP-15-0626

Daniel Glen Hieronymus,

Appellant,

v.

State of South Carolina,

Respondent.

**NOTICE OF APPEAL**

Nancy Bloodgood, Esq., SC Bar No. 6459  
**Bloodgood & Sanders, LLC**  
895 Island Park Drive, Suite 202  
Charleston, SC 29492  
Telephone: (843) 972-0313  
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*Attorneys for the Appellant*

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS:

Daniel Glen Hieronymus hereby appeals the Order of the Honorable Perry M. Buckner, III, attached hereto as Exhibit A, dated July 7, 2016 and filed with the Colleton County Clerk of Court on July 13, 2016.

BLOODGOOD & SANDERS, LLC



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*Attorneys for Appellant*

Charleston, South Carolina

Date: 8-2-16

**Other Counsel of Record:**

Nicole Wetherton, Esquire  
Assistant Attorney General  
C/O SC Dept. Of Health & Env. Control  
2600 Bull Street  
Columbia, SC 29201  
*Attorneys for the Respondent*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**RECEIVED**

APPEAL FROM COLLETON COUNTY  
Court of Common Pleas

AUG 12 2016

Honorable Perry M. Buckner, III, Circuit Court Judge

**SC Court of Appeals**

Case No. 2016-CP-15-0626

Daniel Glen Hieronymus,

Appellant,

v.

State of South Carolina,

Respondent.

**PROOF OF SERVICE FOR THE NOTICE OF APPEAL**

Nancy Bloodgood, Esq., SC Bar No. 6459  
**Bloodgood & Sanders, LLC**  
895 Island Park Drive, Suite 202  
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Telephone: (843) 972-0313  
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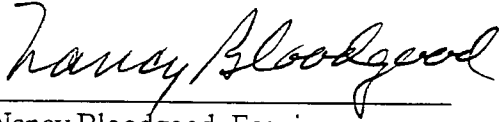
*Attorneys for the Appellant*

I hereby certify that on August 2, 2016 I served a copy of the Notice of Appeal to the  
following:

Nicole Wetherton, Esquire  
Assistant Attorney General  
C/O SC Dept. Of Health & Env. Control  
2600 Bull Street  
Columbia, SC 29201  
*Attorneys for the Respondent*

Patricia Grant  
Colleton County Clerk of Court  
101 Hampton Street, P.O. Box 620  
Walterboro, SC 29488

by placing a copy of said documents in the United States mail with sufficient postage thereon.

  
\_\_\_\_\_  
Nancy Bloodgood, Esquire

Charleston, South Carolina

Date: 8-2-16