

# The South Carolina Court of Appeals

The State, Respondent,

v.

Edward Terrick Drummond, Appellant.

Appellate Case No. 2016-000663

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## ORDER

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On August 11, 2016, this court required Appellant to provide a proof of service showing Respondent was timely served with the notice of appeal. As of the date of this order, this court has not received the proof of service. Because service of the notice of appeal is a jurisdictional requirement, this appeal is dismissed. *See* Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof."); *Elam v. S. Carolina Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004) 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:

Edward Terrick Drummond, 367465

Alan McCrory Wilson, Esquire

**FILED**

September 28, 2016

John Benjamin Aplin, Esquire  
Robert Michael Dudek, Esquire  
Robert B. Hall, Esquire