

The South Carolina Court of Appeals

The State, Respondent,

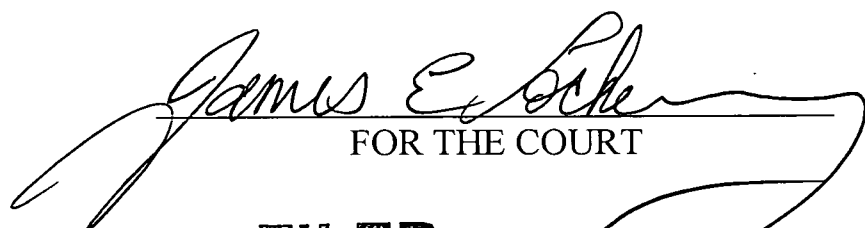
v.

Maurice Antwon McCreary, Appellant.

Appellate Case No. 2016-001846

ORDER

Appellant pled guilty and was sentenced on January 6, 2014, and his motion to reconsider was denied on March 6, 2015. Appellant filed a motion to clarify, and the circuit court issued an order on July 27, 2016. Appellant then filed a motion to withdraw his guilty plea on August 5, 2016, and he withdrew the motion to withdraw his guilty plea on September 1, 2016. On September 8, 2016, Appellant served and filed his notice of appeal. Because Appellant has failed to timely serve and file the notice of appeal, this appeal is dismissed. *See* Rule 203(b)(2), SCACR ("After a plea or trial resulting in conviction or a proceeding resulting in revocation of probation, a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed. In all other cases, a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment. When a timely post-trial motion is made under Rule 29(a), SCRCrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion."); Rule 263(b) ("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." (emphasis added)). The remittitur will be sent as required by Rule 221, SCACR.


FOR THE COURT

FILED

December 2, 2016

Columbia, South Carolina

cc:

Maurice Antwon McCreary, 345340

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire

Daniel Ryan Goldberg, Esquire

Robert Michael Dudek, Esquire

Jennifer C. Davis, Esquire