

The South Carolina Court of Appeals

The State, Respondent,

v.

Marcus Antonio Dawson, Appellant.

Appellate Case No. 2016-002086

ORDER

Appellant has filed a motion asking this court to accept the untimely service of his notice of appeal on Respondent and allow this appeal to proceed. The motion is denied, and this appeal is dismissed. *See* Rule 203(b)(2), SCACR (providing "a notice of appeal [from an order in the court of general sessions] shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment"); *State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) ("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." (quoting *USAA Prop. & Cas. Ins. Co. v. Clegg*, 377 S.C. 643, 651, 661 S.E.2d 791, 795 (2008))). The remittitur will be sent as provided by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc: Perry Buckner DeLoach, Jr., Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Donald J. Zelenka, Esquire

FILED

December 7, 2016