

The South Carolina Court of Appeals

Lafayette Webber, Appellant,

v.

Monique Beecher Brown, Jasper County Attorney and
Sheriff of Jasper County, Respondent.

Appellate Case No. 2016-001790

ORDER

Appellant filed a notice of appeal, indicating Appellant received the underlying order on appeal on July 31, 2016. On August 31, 2016; September 14, 2016; and October 25, 2016, this court requested Appellant to provide this court with proof of timely service of the notice of appeal. Because Appellant has failed to provide this court with proof the notice of appeal was timely served on Respondent, Respondent's motion to dismiss is granted. *See* Rule 203(b)(1), SCACR ("A notice of appeal shall be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment."); *Elam v. S.C. 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, SCACR.

Columbia, South Carolina


FOR THE COURT

cc:
Lafayette Webber
Otto Edworth Liipfert, III, Esquire

FILED

January 20, 2017