

# The South Carolina Court of Appeals

The State, Respondent,

v.

Carl Leon Linyard, Appellant.

Appellate Case No. 2015-002669

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## ORDER

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The appellant filed a notice of appeal with this Court on September 17, 2015, which was discovered in a recent audit of the Court's files. After a thorough review and careful consideration, the appellant's motion to file out of time is denied. *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004) (noting that the requirement of service of the notice of appeal is jurisdictional and a party cannot be rescued by the appellate court from a failure to meet the deadline for service of the notice); Rule 203(b), SCACR (setting forth the timelines for service of the notice of appeal). This appeal from a letter signed by a judicial law clerk is dismissed. *See* Rule 201(a), SCACR ("Appeal may be taken, as provided by law, from any final judgment, appealable order or decision."). Remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.

  
FOR THE COURT

Columbia, South Carolina

cc:

Carl Leon Linyard

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire

The Honorable Carmen T. Mullen

FILED

July 18, 2017 27