



ALAN WILSON
ATTORNEY GENERAL

September 14, 2017

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Jason Madison Holt
Appellate Case No: 2017-001614

Dear Ms. Kitchings:

Please accept this letter in lieu of a formal Return to Appellant's "Motion for Leave to Serve Notice of Appeal Out of Time" in the above referenced matter. Although I am sympathetic to Mr. Holt's dilemma, because the service of a notice of appeal is jurisdictional, the State submits it has no choice but to oppose the motion. It appears the appeal must be dismissed for failure to timely serve the notice of appeal pursuant to Rule 203(b)(2), SCACR. See Mears v. Mears, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served.").

Sincerely,

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

JBA/ab

cc: Janna A. Nelson, Esquire
Robert M. Dudek, Esquire
Victim Advocacy Division

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