

The South Carolina Court of Appeals

The State, Respondent,

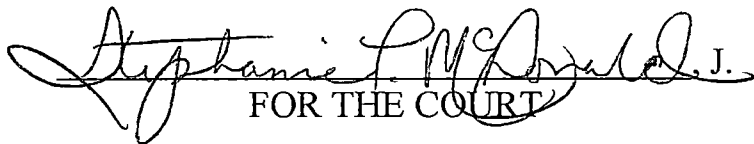
v.

Tyler Clyde Scraggs, Appellant.

Appellate Case No. 2017-002001

ORDER

The appellant was sentenced on September 5, 2017. Pursuant to Rule 203 of the South Carolina Appellate Court Rules (SCACR), the notice of appeal must be served within ten days after the sentence is imposed. In between sentencing and the expiration of the time period for service of the notice of appeal, our state experienced evacuation orders in response to the approach of Hurricane Irma. The Supreme Court issued an order declaring September 8 through September 13, 2017, statewide holidays pursuant to Rule 263, SCACR. *See RE: Hurricane Irma*, S.C. Sup. Ct. order dated September 14, 2017 (Shearouse Adv. Sh. No. 37). Thus, by calculation under Rule 263, SCACR, and accounting for the holidays as declared by the Supreme Court, the notice of appeal must have been served on the State no later than September 15, 2017. The proof of service for the notice of appeal indicates it was served September 22, 2017. Accordingly, this appeal is dismissed for failure to timely serve the notice of appeal. *State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) (noting the time for service of a notice of appeal is a jurisdictional requirement that may not be extended by the appellate court). The remittitur will be sent pursuant to Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

FILED
10/4/17 BH

cc:

William G. Yarborough, III, Esquire

Robert Michael Dudek, Esquire

Brian John Moroney, Jr., Esquire

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire