

The Supreme Court of South Carolina

Jeffrey Douglas Walker-Wilson, Respondent,

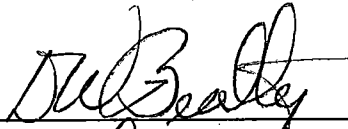
v.


State of South Carolina, Petitioner.

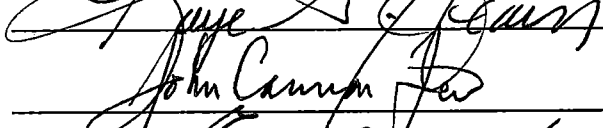
Appellate Case No. 2017-001978

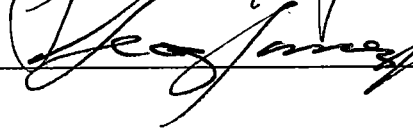
ORDER


The State has filed a motion to dismiss the appeal filed in this case. Counsel for petitioner has filed a motion for leave to withdraw as counsel in which he also requests other counsel be appointed for petitioner. Because the notice of appeal in this matter was not timely served, thereby depriving this Court of jurisdiction to entertain the appeal, and that deficiency cannot be rectified even if substitute counsel were appointed, we grant the motion to dismiss and deny the motion for leave to withdraw as counsel and to appoint other counsel. See Rule 203(b)(1), SCACR; Rule 243(b), SCACR; Rule 263(b), SCACR; *Miller v. State*, 269 S.C. 113, 236 S.E.2d 422 (1977). Our ruling is without prejudice to petitioner's right to file a successive PCR application in the circuit court seeking any relief he may be entitled to under *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).


_____ C.J.


_____ J.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina

January 11, 2018

cc:

Megan Harrigan Jameson, Esquire

Louis H. Lang, Esquire

The Honorable Jeanette W. McBride