

# The South Carolina Court of Appeals

Harold Ayton #283022, Appellant,

v.

South Carolina Department of Corrections, Brian Sterling  
and Scott Lewis, Respondents.

Appellate Case No. 2017-002636

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## ORDER

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Appellant's notice of appeal stated Appellant received written notice of entry of the order on appeal on December 11, 2017. Appellant's corrected proof of service states he served Respondents with the notice of appeal on January 17, 2018. Because Appellant has failed to timely serve the notice of appeal, this appeal is dismissed.<sup>1</sup> 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(b), SCACR.



FOR THE COURT

Columbia, South Carolina

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<sup>1</sup> Because this appeal is dismissed, this court will take no action on Appellant's pending motions.

cc:

Harold R. Ayton, 353371

P. Christopher Smith, Jr., Esquire

James P. Walsh, Esquire

**FILED**

March 29, 2018