

The South Carolina Court of Appeals

Ex Parte: Robert M. Cox, Appellant,

South Carolina Farm Bureau Mutual Insurance
Company, Respondent,

v.

Johnnie A. Carroll, Defendant,

and

South Carolina Farm Bureau Mutual Insurance
Company, Respondent,

v.


Marion Bochette, Defendant.

Appellate Case No. 2018-000202

ORDER

Appellant indicated he received written notice of entry of the orders on appeal by checking the public index on December 15, 2017. The notices of appeal in this consolidated case both indicate service of the notice of appeal on January 18, 2018. Accordingly, this appeal is dismissed for failure to timely serve the notice of appeal. *See Wells Fargo Bank, N.A. v. Fallon Props. S.C., LLC*, Op. No. 27773 (S.C. Sup. Ct. filed Feb. 28, 2018) (Shearouse Adv. Sh. No. 9 at 100, 103) ("Rule 203(b)(1), SCACR requires *the notice of appeal* be served within thirty days after receiving written notice of entry of the order or judgment.") (emphasis in original); *Id.* ("All that is required to trigger the time to appeal is that the parties *receive* such notice.") (emphasis in original); *State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) ("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 pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:
Robert M. Cox
Karl Stephen Brehmer, Esquire

FILED
April 4, 2018