

The South Carolina Court of Appeals

Marco Delaney Bates, Petitioner,

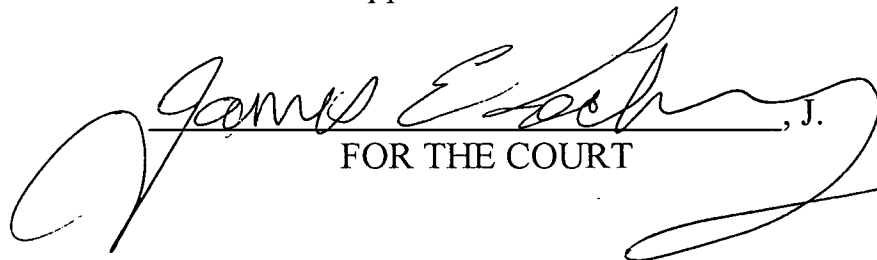
v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000446

ORDER

Petitioner indicated he received written notice of entry of the order on appeal on February 16, 2018. Petitioner served the notice of appeal on the State on March 6, 2018. Because the notice of appeal was not timely served, the petition for certiorari to review a DNA testing decision is dismissed. *See* Rule 247(b), SCACR ("The notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the final order."); *State v. Devore*, 416 S.C. 115, 119, 784 S.E.2d 690, 692 (Ct. App. 2016) ("[I]n the absence of a timely served notice of appeal, this court has no jurisdiction."). The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.


FOR THE COURT

Columbia, South Carolina

cc:

Marco Bates, 249552

Barry Joe Barnette, Esquire

Jonathan Benjamin Aplin, Esquire

FILED

Apr. 19, 2018