

# The South Carolina Court of Appeals

The State, Respondent,

v.

Derek Matthew Roberson, Appellant.

Appellate Case No. 2018-000709

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## ORDER

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This appeal arises out of the appellant's conviction and sentence imposed on March 29, 2018. The notice of appeal was served on April 10, 2018. "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." *State v. Devore*, 416 S.C. 115, 784 S.E.2d 690 (Ct. App. 2016) (quoting *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004)). "After a plea or trial resulting in a conviction . . . a notice of appeal shall be served on all respondents within ten (10) days after the sentence is imposed." Rule 203(b)(2), SCACR. This appeal is dismissed because it was not timely served. The remittitur will be sent pursuant to Rule 221(b) of the South Carolina Appellate Court Rules.

  
\_\_\_\_\_, J.  
FOR THE COURT

Columbia, South Carolina

cc:

Nicholas Randolph McCarley, Esquire

Robert Michael Dudek, Esquire

James Strom Thurmond, Jr., Esquire

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire

**FILED**

April 25, 2018