

The South Carolina Court of Appeals

Stephen Stanko, #6022, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No: 2018-002244

ORDER

This appeal arises out of a notice of appeal served December 18, 2018. The appellant indicates he received the decision of the Administrative Law Court on November 6, 2018. Because the notice of appeal was not timely served, this appeal is dismissed. *See* Rule 203(b)(6), SCACR ("When a statute allows a decision of the administrative law court . . . to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court (if it has been involved in the case) and all parties of record within thirty (30) days after receipt of the decision."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) (noting the requirement of service of the notice of appeal is jurisdictional and that the appellate court lacks jurisdiction to consider the appeal or to rescue the delinquent party by extending or ignoring the deadline for service). 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:
Stephen C. Stanko, 6022
Christina Catoe Bigelow, Esquire

FILED

January 28, 2019