



ALAN WILSON
ATTORNEY GENERAL

March 20, 2019

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: State v. Jontez Myrelle Ward
Appellate Case No: 2019-000295

Dear Ms. Kitchings:

Please accept this letter on behalf of the State in lieu of a formal return to Appellant's Motion for Reconsideration in the above appeal. In an order filed February 27, 2019, this Court dismissed the appeal because Appellant had failed to timely serve his *pro se* notice of appeal as required by Rule 203(b)(2) of the Appellate Court Rules. Aimee J. Zmroczek, Esquire, who now appears to have been retained to represent Appellant in this matter, has now submitted the instant Motion for Reconsideration on Appellant's behalf explaining:

Appellant proceeded *pro se* at the trial of this matter. Appellant received a guilty verdict. Appellant intended to appeal the guilty verdict however he was not allowed access to the law library at the South Carolina Department of Corrections and therefore did not have the knowledge of the requirement of serving the Notice of Appeal on the solicitor and the clerk of court for the county in which the trial took place.

Appellant has asked this Court to reinstate his appeal, arguing a failure to do so will violate his due process rights. Unfortunately, this Court has no jurisdiction over Appellant's case and therefore has no authority to reinstate his appeal. See *Hill v. South Carolina Dept. of Health and Environmental Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010) ("The service of a notice of appeal is a **jurisdictional requirement**, and the time for service may not be extended by this Court."); see also *Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) ("[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.").

For these reasons, the State objects to the motion for reconsideration and respectfully requests that the request to reinstate his appeal be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Benjamin Aplin". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

cc: Alexander J. Ziegler, Esquire
Amie J. Zmroczek, Esquire
Robert M. Dudek, Esquire
Victim Advocacy Division