

# The Supreme Court of South Carolina

Lorenzo Pygatt, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-213502

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## ORDER

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Petitioner has filed a notice of appeal from an order of the circuit court denying and dismissing petitioner's fifth application for post-conviction relief (PCR). Petitioner has also submitted the explanation required by Rule 243(c), SCACR. Initially, we find this matter is not properly before this Court because petitioner has failed to provide proof that the notice of appeal was served on opposing counsel within thirty days of receipt of written notice of entry of the order denying petitioner's Rule 59, SCRCP, motion. Rule 203(b)(1), SCACR; Rule 243(b), SCACR; *Elam v. S.C. Dept. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004)(The requirement of service of the notice of appeal is jurisdictional and if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal.). Even if we were to exercise jurisdiction over the appeal, we would dismiss the appeal because the explanation provided by petitioner pursuant to Rule 243(c) is not sufficient to show there is an arguable basis for asserting the determination by the lower court was improper.

We also take this opportunity to prohibit petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, challenging his convictions from 1995 without first obtaining permission to do so from this Court.

*George*

C.J.

FOR THE COURT

Columbia, South Carolina

February 4, 2013

cc:

David A. Spencer

Lorenzo Pygatt