

The South Carolina Court of Appeals

Judi Castro d/b/a A Mothers Prayer, Appellant,

v.

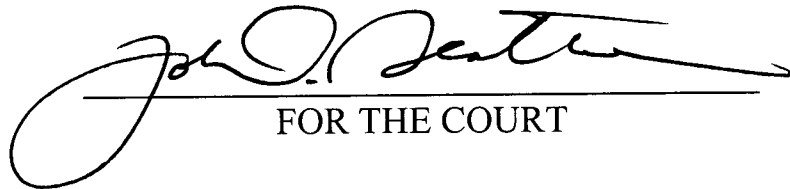
Bryan Walling, Respondent.

Appellate Case No. 2018-002134

ORDER

First, Attorney Lawrence Keitt's motion to be relieved as counsel is granted.

Second, this court notes Appellant has failed to timely serve the notice of appeal. Appellant's counsel, while representing Appellant, received written notice of entry of the second order denying reconsideration on October 30, 2018. Appellant's proof of service states she served the notice of appeal on November 30, 2018, which is thirty one days after written receipt of entry of the order on appeal. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004) ("The notice of appeal in a case appealed from the Court of Common Pleas must be served on all respondents within thirty days after receipt of written notice of entry of the order or judgment. 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." (citing Rule 203(b)(1), SCACR)). Because Appellant failed to timely serve the notice of appeal, this appeal is dismissed. The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

FILED

June 28, 2019

cc:

Judi Castro

Holly-Marie Sarvis Patterson, Esquire

Lawrence Keitt, Esquire

Bryn Colette Sarvis, Esquire