

The Supreme Court of South Carolina

YaShawnus L. Patterson, aka Shawn Lee Patterson, #
249829, Petitioner,

v.


State of South Carolina, Respondent.

Appellate Case No. 2013-000089
Lower Court Case No. 2011-CP-40-07255

ORDER

Petitioner has filed a *pro se* notice of appeal from the order of dismissal dated November 5, 2012. This notice of appeal was not served on opposing counsel until January 25, 2013. Petitioner's counsel has advised this Court that that he received written notice of entry of the order on appeal on or about December 10, 2012.

Based on the failure of petitioner to timely serve the notice of appeal under Rules 243(b) and 203(b)(1) of the South Carolina Appellate Court Rules (SCACR), this matter is dismissed. This dismissal is without prejudice to whatever right petitioner may have to seek relief under *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). The remittitur will be sent as provided by Rule 221, SCACR.



FOR THE COURT

Columbia, South Carolina
February 25, 2013

cc: Robert Daniel Corney, Esquire
L. Cody Smith, Esquire
Mr. Yashawnus L. Patterson, 00249829