

The Supreme Court of South Carolina

Eugene Hardy #238491, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-001557

ORDER

Counsel for petitioner has filed a notice of appeal from an order of the circuit court filed on August 20, 2020, denying petitioner's application for post-conviction relief (PCR). In the notice of appeal, counsel indicates she received written notice of the entry of the order on August 31, 2020, and the proof of service indicates counsel served the notice of appeal on counsel for the State on November 19, 2020, more than thirty days after receipt of written notice of entry of the order.

The notice of appeal has not been timely served under Rules 243(b) and 203(b) of the South Carolina Appellate Court Rules (SCACR). Rule 263(b), SCACR; *Elam v. South Carolina Dep't. of Transp.*, 361 S.C. 9, 602 S.E.2d 772 (2004) ("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.").

Accordingly, the notice of appeal is dismissed, and the remittitur will be sent as provided by Rule 221, SCACR.



FOR THE COURT

C.J.

Columbia, South Carolina
December 8, 2020

cc:

Alan McCrory Wilson, Esquire

Chelsey Faith Marto, Esquire

Carla Faye Grabert-Lowenstein, Esquire