

The South Carolina Court of Appeals

Kevin Herriott, #313862, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-001534

ORDER

This appeal arises out of an order of the ALC granting the South Carolina Department of Corrections' motion to dismiss on February 11, 2020. The proof of service provided with the notice of appeal shows service on January 12, 2021. Because the notice of appeal was not timely served, the appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14, 602 S.E.2d 772, 775 (2004) (noting timely service of the notice of appeal is a jurisdictional requirement); Rule 203(b)(6), SCACR ("When a statute allows a decision of the administrative law court or agency (administrative tribunal) to be appealed directly to the Supreme Court or the Court of Appeals, the notice of appeal shall be served on the agency, the administrative law court (if it has been involved in the case) and all parties of record within thirty (30) days after receipt of the decision."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

Columbia, South Carolina

cc:

Kevin Herriott, 313862

Christina Catoe Bigelow, Esquire

FILED
Jan 27 2021