

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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S.C. SUPREME COURT

APPEAL FROM THE COURT OF APPEALS

Kevin E. Herrisott, Appellant,

Case No. \_\_\_\_\_

vs.

The South Carolina Department of Corrections,  
Respondent.

Notice of Appeal

COMES NOW the Appellant, Kevin E. Herrisott in PRO SE, in necessity, and hereby gives Notice of Appeal from the Court of Appeals ORDER that DISMISSED Case Action No. 2020-001534. The Appellant avers that the Court of Appeals ORDER issued on January 27, 2021 was issued in error. The Appellant appeals to the South Carolina Supreme Court from the S.C. Court of Appeals judgment, entered for record in the above styled action on the 27<sup>th</sup> Day of January, 2021.

Respectfully Submitted,

# The South Carolina Court of Appeals

Kevin Herriott, #313862, Appellant,

v.

South Carolina Department of Corrections, Respondent.

Appellate Case No. 2020-001534

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## ORDER

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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.

 J.  
FOR THE COURT

Columbia, South Carolina

**FILED**  
**Jan 27 2021**

cc:

Kevin Herriott, 313862

Christina Catoe Bigelow, Esquire