

The Supreme Court of South Carolina

Cedric A. Clinkscales, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-001594

Lower Court Case No. 2008CP0402468

ORDER

In this post-conviction relief case, petitioner has filed a notice of appeal seeking review of an order denying a motion under Rule 60(b) of the South Carolina Rules of Civil Procedure. The proof of service for this notice of appeal states the notice of appeal was served on the opposing counsel on October 8, 2020. On December 4, 2020, a copy of the appeal was received by this Court in an envelope post-marked December 2, 2020.

The notice of appeal has not been timely filed with this Court. Rule 243(b) of the South Carolina Appellate Court Rules (SCACR); Rule 203(d)(1)(B), SCACR ("The notice of appeal shall be filed with the . . . clerk of the appellate court within ten (10) days after the notice of appeal is served."); Rule 262(a), SCACR (date of mailing is date of filing). Furthermore, since the filing of the notice of appeal, petitioner has neither provided evidence he has made arrangements to order the transcript of the proceedings, nor filed a petition for a writ of certiorari and appendix if no transcript needs to be ordered. Rule 207(a), SCACR (requiring the filing of proof that the transcript was ordered within ten (10) days after the date of service of the notice of appeal); *see* Rule 243(d), SCACR (requiring the petition for writ of certiorari and appendix be served and filed within thirty days of receipt of the transcript).

Accordingly, this appellate case is dismissed. The remittitur will be sent as

provided by Rule 221(b), SCACR.

FOR THE COURT

BY  _____
DEPUTY CLERK

Columbia, South Carolina
January 19, 2021

cc: Cedric A. Clinkscales, 00286356
Office of the Attorney General