

The Supreme Court of South Carolina

Eugene Hardy #238491, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000745

ORDER

By order dated December 8, 2020, this Court dismissed petitioner's notice of appeal from an order of the circuit court filed on August 20, 2020, denying petitioner's application for post-conviction relief (PCR) because it was not timely served and filed.¹ See Appellate Case Number 2020-001557. The remittitur was sent on December 30, 2020.

Petitioner has now filed a *pro se* notice of appeal from the August 20, 2020 order denying his application for PCR. There is no right to file multiple, successive notices of appeal following dismissal and remittitur. When the remittitur has been properly sent, appellate jurisdiction over the case has ended and no further motion or petition can be considered. *Stogsdill v. S.C. Dep't of Health & Human Servs.*, 415 S.C. 568, 784 S.E.2d 669 (2016); *Wise v. S.C. Dept. of Corr.*, 372 S.C. 173, 642 S.E.2d 551 (2007).

Further, the instant notice of appeal, like the previous notice, 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

¹ In the prior notice of appeal, which was served and filed by petitioner's PCR counsel, PCR counsel indicated she received written notice of the entry of the order on August 31, 2020, and the proof of service indicated counsel served the notice of appeal on counsel for the State on November 19, 2020.

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
July 20, 2021

cc:
Carla Faye Grabert-Lowenstein, Esquire
Megan Harrigan Jameson, Esquire
Mr. Eugene Hardy #238491