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**RECEIVED**

AUG 18 2021

SC Court of Appeals

The South Carolina Court of Appeals

Allen Livingston, Respondent

v.

Harold Simmons, Appellant

Appellant Case No. 2016-001201

Motion of Re Hearings or Reverse order

In Respond to this letter Dated Aug 04, 2021

The court is in error. The Judgement entered 27<sup>th</sup> Day of April 2016, But mailout First Class 28<sup>th</sup> day of April, But US Postage stamp 02<sup>th</sup> day of May 2016 But Deliver 03<sup>th</sup> day of May 2016, Appellant 30 days starts to run 04<sup>th</sup> day of May 2016 End 02<sup>th</sup> day of June 2016

Documents provided

Notice of Entry

Postal U.S. Envelop

1, 2, 3, 4 Steps.

*Harold Simmons Jr*

Harold Simmons Jr.

If Appellant was notify about this back in 2016 Appellant had two other orders that came after. That Appellant would have use for Appellant Appeals.

*Harold Simmons Jr*

cc cc of Appeals  
Bruce Alan Berlinsky Esquire

# The South Carolina Court of Appeals

Allen Livingston, Respondent,

v.

Harold Simmons, Appellant.

Appellate Case No. 2016-001201

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## ORDER

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Appellant received written notice of entry of the order on appeal on April 27, 2016. Appellant served the notice of appeal on May 30, 2016. Pursuant to Rule 203(b)(1), SCACR, the notice of appeal must have been "served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment." Because Appellant failed to timely serve Respondent with the notice of appeal, this appeal is dismissed. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (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."). The remittitur will be sent as required by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

cc:

Harold Simmons, Jr.

Bruce Alan Berlinsky, Esquire

**FILED**  
**Aug 04 2021**

JULIE J. ARMSTRONG  
CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258  
RETURN SERVICE REQUESTED



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clerkofcourt.charlestoncounty.org



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JACKSON SETH WHIPPER  
PO BOX 70070  
N CHARLESTON SC 29415-0070

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

~~Order defnt's mot to alter or amend is denied~~

CASE NO: 2014CP1001635  
Allen Livingston VS Harold Simmons

This judgment was entered on the <sup>①</sup>27th day of April, 2016, and notice mailed first class on <sup>②</sup>Thursday, April 28, 2016, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

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Received May 3 2016



