

RECEIVED

Aug 17 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 27th Day of April 2016, But mailout First Class 28th day of April, But US Postage stamp 02th day of May 2016 But Deliver 03th day of May 2016, Appellant 30 days Starts to run 04th day of May 2016 End 02th 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
Court of Appeals
Bruce Alan Berlinshy Esquire

The South Carolina Court of Appeals

Allen Livingston, Respondent,

v.

Harold Simmons, Appellant.

Appellate Case No. 2016-001201

ORDER

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.



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



clerkofcourt.charlestoncounty.org

copy



162



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 ^①27th day of April, 2016, and notice mailed first class on ^②Thursday, 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.



Received May 3 2016

