

The Supreme Court of South Carolina

Victor L. Huntley, Petitioner,

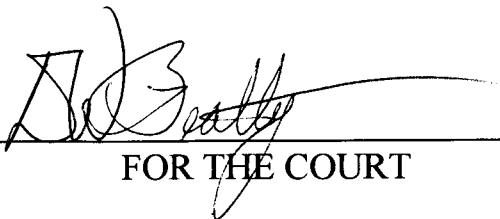
v.

State of South Carolina, Respondent.

Appellate Case No. 2021-001409

ORDER

This appeal is dismissed because Petitioner failed to timely serve the notice of appeal on Respondent. The circuit court issued a final order denying and dismissing Petitioner's post-conviction relief application on March 1, 2021, and Petitioner indicated in his circuit court filings that he received written notice of the order on March 4, 2021. Petitioner, however, failed to serve the notice of appeal until December 3, 2021.¹ Accordingly, this appeal is dismissed. *See* Rule 203(b)(1), SCACR (providing an appellant must serve the notice of appeal on all parties within thirty days of written notice of entry of the order); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act *except the time for serving the notice of appeal* under Rules 203 and 227 may be extended" (emphasis added)); *Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) (explaining service of the notice of appeal is a jurisdictional requirement, and the appellate courts have no authority to extend the time in which the notice must be served). The remittitur will be sent as provided in Rule 221, SCACR.



FOR THE COURT C.J.

¹ Although Petitioner served and filed a motion under Rule 60(b), SCRCP, on March 12, 2021, the motion did not toll the time for serving the notice of appeal. *See* Rule 203(b)(1), SCACR (providing that only timely motions under Rule 50 and Rule 59, SCRCP, stay the time for serving and filing the notice of appeal).

Columbia, South Carolina
December 15, 2021

cc:

Janell H Gregory, Esquire

Victor L. Huntley, 00268632