

The South Carolina Court of Appeals

The State, Respondent,

v.

Angelo Ham, Appellant.

Appellate Case No. 2022-000280

ORDER

This appeal was dismissed on April 6, 2022, because Appellant failed to file a timely proof of service pursuant to Rule 203(b)(2), SCACR. The remittitur was sent on April 28, 2022. The same day, Appellant filed a motion to recall the remittitur. Appellant has still failed to file a proof of service showing service on Respondent within ten (10) days of Appellant's receipt of written notice of entry of the order. Accordingly, this court still lacks jurisdiction over this appeal and the motion is denied. *See Mears v. Mears*, 287 S.C. 168, 169, 337 S.E.2d 206, 207 (1985) ("Service of the notice of intent to appeal is a jurisdictional requirement, and this Court has no authority to extend or expand the time in which the notice of intent to appeal must be served."); *Wise v. S.C. Dep't of Corr.*, 372 S.C. 173, 174, 642 S.E.2d 551, 551 (2007) ("When the remittitur has been properly sent, the appellate court no longer has jurisdiction over the matter and no motion can be heard thereafter. The only exception to this rule is when the remittitur is sent down by mistake, error or inadvertence of the Court." (internal citations omitted)).



FOR THE COURT

Columbia, South Carolina

cc:

Robert Lee Gailliard, Esquire
Kernard Edward Redmond, Esquire
Robert Michael Dudek, Esquire
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
The Honorable Scott B. Suggs

FILED
Jun 02 2022