YOUR GUIDE TO APPELLATE FILING TIMELINES IN SOUTH CAROLINA

In order to have the best chance for a favorable outcome in your appellate filing, it's essential to meet every deadline (or be fully prepared for the result and associated costs involved in filing for an extension, if needed.)

Keep this timeline on-hand during your preparation for filing an appeal, and be sure to make note of the differences in timelines depending on which Court is involved.

TRACK ONE

DECISION

SERVE AND FILE NOTICE OF APPEAL:
You have 30 days from after receipt of the written notice of entry of order or judgement in which to serve and file a notice of appeal with the Supreme Court or Court of Appeals if you are appealing a decision of the Court of Common Pleas, Family Court (excluding juvenile delinquency), a Master-in-Equity, a Special Referee or Probate Court, or Receipt of Decision of Administrative Tribunal. This deadline is not flexible. See Rules 203(b) and 233(b).

If You Miss This Deadline:
An appellant's failure to serve a notice of appeal within 30 days from receiving written notice of the final order or judgement can result in dismissal of the appeal if a motion for an extension of time is not granted. Your appeal is over before it begins.

FILE NOTICE OF APPEAL WITH APPROPRIATE COURT:
You have 10 days after serving your initial notice of appeal to serve and file your notice of appeal and other required documents with the SC Supreme Court or SC Court of Appeals. Rule 203(d).

REQUEST COURT REPORTER TRANSCRIPT:
Request your transcript immediately after you file your initial notice of appeal. You have 10 days after serving your notice to appeal to order this transcript. Rule 207(a) and 207(b).

TRACK TWO

DECISION

SERVE AND FILE NOTICE OF APPEAL:
You have 10 days from imposition of the sentence or written notice of entry of the order or judgement by the Court of General Sessions or the Family Court in juvenile delinquency matters to serve and file your notice of appeal. Rule 203(b)(2) and (3).

REQUEST COURT REPORTER TRANSCRIPT:
You have 30 days from the date you serve your notice of appeal to request a transcript from the court reporter. Rule 207(a) and 207(b).

DELIVERY OF TRANSCRIPT:
The court reporter has 60 days from receiving the order for the transcript in which to provide it to you.

SERVE AND FILE INITIAL BRIEF:
You have 30 days from receipt of transcript from court reporter to serve and file initial brief and designation of matter to be included in the record on appeal. Rules 208 and 209.

RESPONDENT SERVES AND FILES BRIEF:
The opposing counsel also has 30 days to serve and file an initial brief and designation of matter to be included in the record on appeal. Rule 208 and 209.

INITIAL REPLY BRIEF:
You have 10 days from the filing of the opposing counsel's initial brief to serve and file your reply brief and designation of matter to be included in the record on appeal. Rules 208 and 209.

RECORD ON APPEAL:
Appellant has 30 days to serve the record on appeal to all parties who filed a brief. Rule 210(a).

FINAL BRIEF:
All parties involved have 20 days to serve and file its final brief. Appellant must file the record on appeal with the appellate court. Rules 210(b) and 211.

NOTICE OF ORAL ARGUMENT:
Clerk will send out the notice of oral argument at least 40 days prior to term of court, and counsel may notify the court of any conflict during this time. Rule 216(a).

ROSTER OF CASES:
The clerk will send out the roster of cases at least 15 days before term. Rule 216(b).

ORAL ARGUMENT:
If the appellant is called to make an oral argument, they will state their case before the court alongside opposing counsel. Rule 218.

If Appeal Proceeds Without Oral Argument:
The case is submitted without oral argument, and the appellant will have 15 days to petition for rehearing after the opinion is filed. Rule 215.

OPINION FILED:
filed with the court.

PETITION FOR REHEARING:
Petitions for rehearing must be received by the appellate court no later than 15 days after the filing of the opinion, order, judgement, or decree of the court. This deadline is not flexible. See Rule 221.

REMITTITUR:
Unless otherwise ordered by the court, remittitur shall not be sent to the lower court or administrative tribunal until 15 days have elapsed (day of filing excluded) since the filing of the opinion, order, judgement, or decree of the court disposing of the appeal. If a petition for rehearing is received before remittitur is sent, the remittitur shall not be sent pending disposition of petition by the Court. Rule. 221(b).

A FINAL NOTE ON PETITION FOR WRIT OF CERTIORARI:
A decision of the SC Court of Appeals is not final for the purpose of review by the SC Supreme Court until the petition for rehearing or reinstatement has been acted upon by the Court of Appeals. A petition for writ of certiorari shall be served on opposing counsel and filed with proof of service with Clerk of the Court of Appeals and the Clerk of the SC Supreme Court within 30 days after the petition for rehearing or reinstatement is finally decided upon by the Court of Appeals.

CONTACT LEGAL EAGLE FOR ASSISTANCE WITH APPELLATE FILING:

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DISCLAIMER: This is meant to be a general overview and guide to the timeline involved in filing an appeal in South Carolina and is not a complete guide to filing an appeal. Always consult the rules provided by the South Carolina Court of Appeals before proceeding with appellate filing.