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**Sep 29 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Georgetown County of General Sessions  
The Honorable Benjamin H. Culbertson, Administrative Judge

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Appellate Case No.: 2022-000671

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Terron Dizzley

Appellant,

v.

The State of South Carolina,

Respondent.

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STATUS UPDATE

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To the Clerk of Court and all Parties:

Pursuant to the Court of Appeals letter dated September 23, 2022, requesting a status update within ten (10) days of the letter, Defense Counsel respectfully requests to hold this matter in abeyance.

Defense Counsel is informed and believes pursuant to this Courts Order issued on August 11, 2022, the lower court has not ruled on Appellant's April 25, 2022 motion. Further, Defense Counsel mailed a Letter of Representation and Motion for Hearing to the Fifteenth Judicial Circuit Court of General Sessions on September 29, 2022 (attachment).

Respectfully submitted by:

/s/William G. Yarborough, Esq.  
William G. Yarborough, III (SC Bar 69847)  
308 W. Stone Avenue  
Greenville, SC 29609  
(864) 331-1612  
Attorney for Petitioner

Greenville, South Carolina  
September 29, 2022

cc: Alan McCroy Wilson, Esquire (awilson@scag.gov)

# LAW OFFICE OF WILLIAM G. YARBOROUGH, III

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P: 864.331.1612  
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E: Bill@wgylaw.com

308 W. Stone Avenue  
Greenville, SC 29609

September 29, 2022

## NOTICE OF REPRESENTATION

### VIA U.S. MAIL

Clerk of Court  
401 Cleland Street  
Georgetown, SC 29440


**Re:** The State of South Carolina vs. Terron Gerhard Dizzley  
**Case Nos.:** J525436

Dear Clerk of Court,

Notice is hereby given that the undersigned William G. Yarborough, III, Attorney at Law, has been retained to represent the above-named Defendant relative to the above captioned charge.

Please file the original and return clocked copy in the self-addressed stamped envelope provided. If you wish to discuss anything or need additional information, please do not hesitate to contact me.

Sincerely,



William G. Yarborough III

WGY/lde  
Enclosures

cc: The Honorable Benjamin H. Culbertson, 15th Judicial Circuit Administrative Judge  
15th Circuit Solicitor's Office

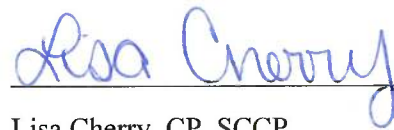
STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN	)	FIFTEENTH JUDICIAL CIRCUIT
	)	
THE STATE OF SOUTH CAROLINA,	)	
	)	CASE NO.: J525436
	)	
VS.	)	
	)	
TERRON GERHARD DIZZLEY,	)	<b>CERTIFICATE OF SERVICE</b>
	)	
DEFENDANT.	)	
	)	

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The undersigned hereby certifies that on the 29th day of September 2022, she served a copy of the attached **Letter of Representation and Motion for Hearing** by placing said copy in a postpaid envelope, addressed to the person hereinafter named, at the place and address stated below, by depositing said envelope and contents in the United States Mail at Greenville, South Carolina.

The Honorable Benjamin H. Culbertson  
P.O. Box 479  
401 Cleland St.  
Georgetown, SC 29442

Solicitor Jimmy A. Richardson, II  
Chief Prosecuting Attorney  
P.O. Box 1688  
Georgetown, SC 29442



Lisa Cherry, CP, SCCP  
Paralegal to William G. Yarborough

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GEORGETOWN	)	FIFTEENTH JUDICIAL CIRCUIT
	)	
THE STATE OF SOUTH CAROLINA,	)	
	)	CASE NO.: J525436
	)	
VS.	)	
	)	
TERRON GERHARD DIZZLEY,	)	<b>MOTION FOR HEARING ON COURT</b>
	)	<b>OF APPEALS AUGUST 11, 2022 ORDER</b>
DEFENDANT.	)	
_____	)	

NOW COMES Defendant Terron Dizzley by and through undersigned Defense Counsel to request a hearing on Defendant's April 25, 2022 motion.

The Court of Appeals issued an Order for Appellate Case Number 2022-000671 on August 11, 2022 (Attachment), regarding an appeal from the Georgetown Circuit Court case number J525436. The Court of Appeals granted the petition to reinstate the appeal and remanded to the Circuit Court to Rule on Appellant's April 25, 2022 motion.

Upon information and belief this Court has not ruled on the Defendant's April 25, 2022, motion. Defense Counsel respectfully requests a hearing on the matter.

Respectfully submitted,

William G. Yarborough, III (10271)  
Attorney for Defendant  
308 West Stone Avenue  
Greenville, SC 29609  
(864)331-1612  
Bill@wgylaw.com

# The South Carolina Court of Appeals

The State, Respondent,

v.

Terron Gerhard Dizzley, Appellant

Appellate Case No. 2022-000671

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## ORDER

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This appeal was dismissed on May 24, 2022 for untimely service of the notice of appeal. Appellant received written notice of entry of the order on appeal on April 19, 2022, and did not serve Respondent with the notice of appeal until May 11, 2022. *See* Rule 203(b)(2), SCACR (providing that in a criminal appeal, "a notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the order or judgment"). Appellant has now filed a motion to reinstate this appeal, which we construe as a petition to rehear the dismissal. In his petition, Appellant asserts for the first time that he filed a motion to alter or amend the order on appeal on April 25, 2022, and his motion was never ruled on by the trial court. *See* Rule 203(b)(2) ("When a timely post-trial motion is made under Rule 29(a), SCR CrimP, the time to appeal shall be stayed and shall begin to run from receipt of written notice of entry of an order granting or denying such motion.").

Because Appellant's motion to alter or amend tolled the time for serving and filing the notice of appeal, we grant the petition, reinstate this appeal, and remand to the circuit court to rule on Appellant's April 25, 2022 motion. This appeal will be held in abeyance pending resolution of this matter and Appellant shall provide an update to the clerk of this court no later than fifteen days from the date of this order, with a copy to counsel for Respondent. Failure to provide a status update may result in the dismissal of this appeal.

4. B. Wain C. J.  
U. Ke J.  
[Signature] J.

Columbia, South Carolina

cc:  
Terron G. Dizzley, 00359480  
Alan McCrory Wilson, Esquire  
Melody Jane Brown, Esquire  
Charles David Barr, Esquire  
The Honorable Benjamin H. Culbertson

**FILED**  
**Aug 11 2022**