

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Oct 16 2025

S.C. SUPREME COURT

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Certiorari to Spartanburg County

Honorable Eugene C. Griffith, Circuit Court Judge  
\_\_\_\_\_

TERRELL A. BROWN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-000798  
\_\_\_\_\_

MOTION TO SERVE AND FILE AN  
AMENDED PETITION FOR WRIT OF CERTIORARI  
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Counsel for Petitioner, Terrell A. Brown, respectfully requests that this Court allow counsel to withdraw the Petition for Writ of Certiorari that was filed in this case on September 29, 2025, and allow counsel to file an Amended Petition for Writ of Certiorari. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix were filed with this Court on September 29, 2025. The first issue raised in the petition challenges the ruling that Petitioner was not entitled to a belated direct appeal from his trial pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). Therefore, in the petition, counsel provided four potential issues which could be raised in a belated direct appeal in the Statement of Issues on Appeal. The fourth issue is “whether the trial court erred in excluding Defense Exhibit #4, Lakesha Jackson’s written

statement, where Jackson maintained it sounded like only one gun was fired even after she was shown Defense Exhibit #4, in which she stated it sounded like shots came from multiple guns, since extrinsic evidence of her prior inconsistent statement was admissible under Rule 609, SCRE?”

2. After filing the Petition for Writ of Certiorari, undersigned counsel realized that she inadvertently cited to Rule 609, SCRE, rather than Rule 613, SCRE, in the statement of this issue. The Statement of Issues on Appeal, Issue 4, should cite to Rule 613, SCRE, instead of Rule 609, SCRE.

3. On October 15, 2025, undersigned counsel contacted counsel for Respondent, Andrew Powell, and notified him of this error. Counsel for Respondent has graciously consented to this Motion and to the Amended Petition for Writ of Certiorari.

4. To correct this error, Counsel respectfully requests leave to file an Amended Petition for Writ of Certiorari. The Amended Petition is being filed simultaneously with this motion, and is the same in substance except for the citation to Rule 613, SCRE.

Based on the above showing, counsel for Petitioner, Terrell A. Brown, respectfully requests that this Court allow counsel to withdraw the Petition for Writ of Certiorari that was filed on September 29, 2025, and file an Amended Petition for Writ of Certiorari to reflect the correct citation.

Respectfully submitted,

  
Joanna K. Delany  
Appellate Defender

ATTORNEY FOR PETITIONER

This 16th day of October, 2025.