

**RECEIVED**

**Jan 16 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

DARIUS LAMAR MONTGOMERY,

APPELLANT

APPELLATE CASE NO. 2025-002326

---

MOTION TO REINSTATE APPEAL

---

The undersigned counsel moves the Court to reinstate the direct appeal of Darius L. Montgomery. In support of this motion, counsel would respectfully show the Court that:

1. Darius L. Montgomery was convicted of Attempted Murder, Assault and Battery in the First Degree, Discharging a Firearm into an Occupied Vehicle, Possession of a Weapon During the Commission of a Violent Crime on November 6, 2025. The Honorable G.D. Morgan, Jr. sentenced appellant to imprisonment for 25 years on the attempted murder charge, ten years on the assault and battery, ten years on the discharging a firearm, and five years on the possession charge, all to run concurrently with credit for time served. Trial counsel Crane served and filed the notice of intent to appeal on November 18, 2025.

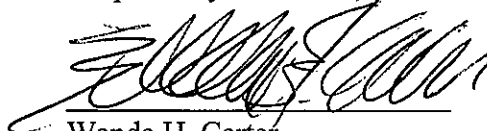
2. On December 19, 2025, this Court issued a letter advising that the deadline to order

the transcript had expired. At that time, Attorney Crane contacted the undersigned counsel for guidance in the matter. The undersigned counsel advised that no action was needed on his behalf and that Appellate Defense would address the matter. However, the undersigned counsel dispensed advice under the mistaken impression that Attorney Crane appeared in the case as counsel contracted under Rule 608, SCACR, and as a result believed that Mr. Montgomery's status as indigent was confirmed. To the contrary, Attorney Crane was retained as private counsel in the case; and therefore, no documentation of Mr. Montgomery's status exists.

3. Upon learning of the misunderstanding, the undersigned counsel has undertaken the responsibility of contacting Mr. Montgomery via mail with an Affidavit of Indigency enclosed for him to complete and return to our office. Additionally, in anticipation of confirmation of Mr. Montgomery's probable status as indigent, this petition to reinstate the appeal is submitted for consideration before this Court. An Affidavit of Indigency was sent to Mr. Montgomery on January 14, 2026.

WHEREFORE, undersigned counsel respectfully requests that the direct appeal for Darius L. Montgomery be reinstated.

Respectfully submitted,



Wanda H. Carter  
Chief Appellate Defender

This 16<sup>th</sup> day of January, 2026.

**RECEIVED**

**Jan 16 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

DARIUS LAMAR MONTGOMERY,

APPELLANT

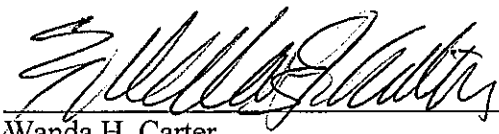
APPELLATE CASE NO. 2025-002326

---

CERTIFICATE OF SERVICE

---

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Reinstate the Appeal in the above referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 16<sup>th</sup> day of January, 2026.

  
\_\_\_\_\_  
Wanda H. Carter  
Chief Appellate Defender

**Warren, Kaylynn**

---

**From:** Warren, Kaylynn  
**Sent:** Friday, January 16, 2026 11:53 AM  
**To:** Mark Farthing  
**Cc:** Carter, Wanda; 'lwcesquire@gmail.com'; White, Della; Caroline Collins  
**Subject:** 2025-002326 The State v. Darius Lamar Montgomery  
**Attachments:** 2025-002326 The State v. Darius Lamar Montgomery Motion to Reinstate Appeal.pdf

Good Morning,

Attached for service in the above-referenced case is the Motion to Reinstate Appeal which will be filed today, January 16, 2026, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330

**RECEIVED**

**Jan 16 2026**

**SC Court of Appeals**