

State of South Carolina
County of Florence

CA-2024A211020124 0
CA-2024A211020124 1

State of South Carolina
Plaintiff

Motion For Directed
Verdict

VS.

Terrell D. Herbert Sr.
Defendant

RECEIVED
MAR 26 2026
SC Court of Appeals

2025 DEC -2 A 12: 59
DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

FILED
CERTIFIED: A TRUE COPY
Doris Poulos O'Hara
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

Defendant Terrell D. Herbert Sr file this Motion For Directed Verdict. For the reasons below and the reasons contained in Defendant's attached exhibits for Directed Verdict, this Motion must be granted. Defendant is being charged with 1st Degree Harassment. After reviewing the discovery sent by Solicitor White it only contains Emails of Defendant reporting and spreading awareness about the alleged victims. The discovery does not include any threats or direct contact with the alleged victims. According to SC code 16-3-1700 definitions, 1st Degree Harassment involves a Physical Presence or Vandalism to property none of which is included in

the discovery sent by Solicitor White. If Solicitor White is insinuating that the emails of The Defendant reporting and spreading awareness of his alleged victims is harassment, Even if that was true According to S.C. Code 16-3-1700 it states that electro verbal, or written contact equals to 2nd Degree Harassment, but the Defendant is not charged with that nor is it included as a lesser charge in this case. The Defense also reviewed the incident reports associated with these allegations and the incident report states 2nd Degree Harassment. For these reasons The Defense ask for a Directed Verdict or that this case be dismissed immediately.

In the attached exhibits you will find that The Defendant never contacted or included the alleged victims in any Emails. You will also find that The Defendant was arrested the same day on 8-9-24 when he notified Lake City Council he was running for Councilman. They in retaliation he had the Defendant arrested a retaliation.

Small Request 11-25-24

CERTIFIED: A TRUE COPY
[Signature]
CLERK OF COURT C.P. & G.S.
FLORENCE COUNTY, S.C.

DORIS POULOS O'HARA
FLORENCE COUNTY, SC
2025 DEC -2 A 12:59
FILED

LAKE CITY SC



Live • Work • Play • Visit

From: Terrell Herbert <terrellherb88@gmail.com>

Sent: Wednesday, August 7, 2024 12:29:04 PM

To: Yamekia Robinson <yrobinson@cityoflakecity.org>; Nicole Singletary <nsingletary@cityoflakecity.org>; Sondra Crosby <scrosby@cityoflakecity.org>; Wilhelmena Scott <wscott@cityoflakecity.org>; DeWonica Cooper <DewonicaC@cityoflakecity.org>; William Askins <waskins@cityoflakecity.org>; Jason Brown <jbrown@cityoflakecity.org>

Cc: Cal Watson <cwatson@robinsongray.com>; cnygord@robinsongray.com <cnygord@robinsongray.com>; cskalamera@robinsongray.com <cskalamera@robinsongray.com>; dcarmichael@robinsongray.com <dcarmichael@robinsongray.com>; hjacobs@robinsongray.com <hjacobs@robinsongray.com>; meritas@meritas.org <meritas@meritas.org>; tervin@cityofflorence.com <tervin@cityofflorence.com>; lbarnes@cityofflorence.com <lbarnes@cityofflorence.com>

Subject: Running for City Council 🙏🙏🙏🙏

This email serves as confirmation that I will be running for City Council 🙏🙏🙏🙏🙏🙏🙏🙏

After further review I've found that City Council for The City of Florence is not open yet.

I will like to run for The City of Florence, but it looks like, I will have to move to lake city in order to run there instead.

Voter Registration Number	
Guidelines for a Candidate's Name to appear on the ballot: <ul style="list-style-type: none"> A given name or a derivative may be used The name may not contain quotations, parentheses, or other distinguishing marks Nicknames are allowed if they are used in good faith for honest purposes and do not: <ul style="list-style-type: none"> Imply professional or social status Include an office or military rank Exceed 15 letters 	
Name as you wish it to appear on ballot (please print)	Terrell Herbert God's Son

Candidate's Oath
 I affirm I meet, or will meet by the time of the general or special election, the qualifications for this office.

Candidate's Signature *Terrell Herbert*

To be Completed by Receiving Authority			
Date Received	Time Received	Filing Fee Amount Paid	Receiving Authority
Received By			

SOUTH CAROLINA
 ELECTION COMMISSION

SEC FRM 1098-200912



FILING BEGINS - 12 NOON AUGUST 1, 2024

FILING ENDS - 12 NOON AUGUST 15, 2024

FOR FLORENCE COUNTY OFFICES LISTED BELOW:

Florence School district 1-Seats 1,2,3,5,7

Florence School District 3-Seats 2,4,5,7

Florence School District 5-Seat 4

Florence School District 5-Seat 7 At-Large

City of Lake City – Seats 2,4,5

Watershed Conservation District, Lynches Lake Camp Branch

Watershed Conservation District, Salem Community

Fire District Commissioner, South Lynches Fire District

Town of Quinby – Mayor and Two Council Seats

PER CURIAM:

Terrell Herbert appeals the district court's order accepting the magistrate judge's recommendation and dismissing Herbert's legal malpractice claim. On August 9, 2024, the magistrate judge recommended granting Defendants' motion to dismiss and dismissing Herbert's civil complaint, with notice to Herbert to file objections to the recommendation within fourteen days after service of the report, and, providing that failure to timely object would result in the waiver of his right to appeal from a judgment based on that recommendation. On August 9, 2024, the magistrate judge's report was mailed to the Palmetto Street address listed for Herbert on the district court's docket. By letter dated September 15, 2024, Herbert notified the district court that he had been detained at the Florence County Detention Center since August 9, 2024, and he asked the court to direct all mail to the new address. There is no indication on the docket sheet that the magistrate judge's report was sent to Herbert's new address. Herbert did not file objections to the magistrate judge's report. On October 23, 2024, the district court, finding that Herbert failed to object to the magistrate judge's report, accepted the magistrate judge's recommendation, and dismissed Herbert's complaint.

On appeal, Herbert reasserts the merits of his civil complaint and expresses confusion as to the timing of the district court's dismissal order. A party who fails to timely object to a magistrate judge's proposed findings of fact and conclusions of law is not entitled to de novo review of the magistrate judge's determinations by the district court and generally forfeits appellate review of those determinations on appeal. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985); see 28 U.S.C. § 636(b)(1). However, the waiver of

appellate rights for failure to object is a prudential rule, not a jurisdictional requirement. *Thomas v. Arn*, 474 U.S. 140, 154 (1985). And, when a litigant proceeds pro se, he must be accorded fair notice of the consequences of failing to object before he is barred from appellate review. *Wright*, 766 F.2d at 846-47.

Here, the magistrate judge's report clearly warned that failure to timely file specific, written objections would result in a waiver of appellate rights. Thus, the report contained an appropriate notice of appellate waiver. However, we cannot conclusively determine from the record whether Herbert received a copy of the magistrate judge's report. The record reflects that Herbert notified the district court of his new address and informed the court that he had been incarcerated since August 9, 2024, the same day that the magistrate judge's report was sent to Herbert's pre-incarceration address. There is no indication in the record that the report was forwarded to Herbert's new address.

Accordingly, we deny Herbert's motion to compel answers, vacate the judgment of the district court and remand for the court to determine whether Herbert received the magistrate judge's recommendation, and to conduct such further proceedings as may be appropriate.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED

Fwd: [External Sender] Fwd: New Information regarding Chaquez McCall

MCCALL, ADRIANE <adriane.washington@fsd1.org>

Fri 7/26/2024 2:44 PM

To: Chaquez24@gmail.com <Chaquez24@gmail.com>; Chaquez McCall <chaquez@cmccalllaw.com>; mccalladriane@gmail.com <mccalladriane@gmail.com>

C:\Users\hshirey\AppData\Local\Microsoft\Windows\INetCache\Content.MSO\60098E18.tmp
Adriane McCall
Kindergarten Teacher
North Vista Elementary
adriane.washington@fsd1.org

----- Forwarded message -----

From: **MagicCityMcCall LawFraudFoundation** <magiccitymccallfraudfoundation@gmail.com>
Date: Tue, Jul 16, 2024 at 2:02 PM
Subject: [External Sender] Fwd: New Information regarding Chaquez McCall
To: <adriane.washington@fsd1.org>

----- Forwarded message -----

From: **MagicCityMcCall LawFraudFoundation** <magiccitymccallfraudfoundation@gmail.com>
Date: Wed, Jun 12, 2024 at 3:42 PM
Subject: New Information regarding Chaquez McCall
To: <cskalamera@robinsongray.com>, <cwatson@robinsongray.com>, <dcarmichael@robinsongray.com>, <[hjacobson@robinsongray.com](mailto:hjacobs@robinsongray.com)>

Attention Council !!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

As you may know your clients Chaquez McCall, and Kelli Spencer has been under multiple investigations for the past several years.

Throughout those years, and investigation's several Interrogations were held and participated in.

We are not at liberty to discuss, when they were held, or who conducted the Interrogations, but we have been recently informed of New Information.

For starters We're being told that Mr. Chaquez McCall did in fact inform you (Mr. Joseph Watson) that, Mr. Terrell Herbert sent him emails pertaining to settling out of court in regards to the Demand that was sent from his firm.

He is saying he didn't think that he sent a False Demand, because he thought Mr. Terrell Herbert approved it.

He never denied having Mr. Herbert arrested, because he thought Mr. Herbert was harassing him about the demand.

I'm being told that he did inform you of his involvement of the charges consisting of 2nd Degree Harassment.

He gave you the documents and, you told him that his name is not on the Affidavit.

We're being told that the Emails he showed you are consistent with Mr. Herbert's claims of fraud for his Lawsuit, but you told him to deny any involvement, because it will mess up the civil case is this true Attorney Watson?

NAME Dale Daniels
FLORENCE COUNTY
DETENTION CENTER
6719 FRIENDFIELD ROAD
EFFINGHAM, SC 29541

A203

Court of Appeals
P.O. Box 11629
Columbia, SC 29211

COLUMBIA SC 290

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