

State of South Carolina
County of Florence

CA-2025-GS-21-2876,2877

The State
vs Plaintiff

Terrell Herbert Sr.
Pro-Se Defendant

Motion to Appeal
Conviction

RECEIVED

MAR 26 2026

SC Court of Appeals

Pro-Se Defendant Terrell Herbert Sr files this Motion to Appeal his Convictions of 1st Degree Harassment on 3-18-26. The trial court errored in denying the Defendants Judicial Enforcement of his Speedy Trial Right that was filed on August 18th, 2025. The trial Court also errored in denying the defendant's Motion to dismiss for a Due Process Violation, and denying his Motion for a Directed Verdict. During the trial the defendant proved during his cross examination of the State's witnesses that he never sent the State's alleged victims any threats or letters from custody, as stated by the Solicitor, and his alleged victim Chavez McCall. Furthermore no discovery was presented or submitted to the courts of their allegations. The trial Court also failed to instruct the jury

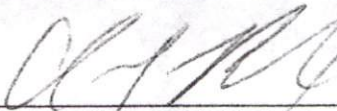
that any verbal, electronic, or written communications is not in the statute of 1st Degree Harassment according to S.C code 16-3-1700A. Instead any verbal, electronic, or written communication is the statute for S.C code 16-3-1700B which is 2nd Degree Harassment. When the Defendant objected to the instructions he was told that this case is not for 2nd Degree Harassment so that information will not be addressed to the jury, but all discovery that was submitted was either verbal, or electronic communication that was not directed to the alleged victims. The jury was misled by not given the opportunity to decide or look at S.C code 16-3-1700B even though the incident report that was submitted into discovery has 2nd Degree Harassment as the charge on it by Investigator Angel Clark from F.C.S.O. During Cross examination of Ms. Clark, I addressed that issue and had her read it for the record. When I asked her for the statute of 2nd Degree Harassment Solicitor White objected and judge Seaks sustained it, even though this was discovery that was

first submitted by The State and was being addressed by the defense. The State also submitted a bond provision that has 2nd degree harassment on it, I ask the court to grant this appeal of his conviction. The Defendant has attached discovery that was submitted and the Motion for his right to a Speedy Trial, and Judicial Enforcement of his Speedy Trial right. The Defendant has also submitted the 2nd page to Incident Report number 2024-07-0645 which states 2nd Degree Harassment on the first page that I re-submitted into discovery as a Defense Exhibit. The Defendant never received a copy of the Exhibit that he re-submitted. Please look into this report if necessary. Investigator Clark even stated on record that she never seen or was made aware of any threats being made to the alleged victim. Please see attached Discovery that was submitted by Solicitor Ryan White, The defense ask this appeal be granted and his conviction over turned. Thank you *Messiah* 3-18-26

case is more than eight (8) months old and, although the case was scheduled for trial, the State wishes to prolong the trial of the merits of this case for an extended period of time, a period of time which will result in prejudice to the Defendant and his ability to answer his charges.

The Defendant wishes to reserve the right to request from the court such other and further relief as the court would deem just and appropriate for the circumstances.

Respectfully submitted this 13th day of August, 2025


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ATTORNEY FOR THE DEFENDANT

DORIS POULOS O'HARA
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FLORENCE COUNTY, SC

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FILED

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

AGENCY I.D.
SC0210000

SUPPLEMENTAL INCIDENT REPORT
Florence County Sheriff Office

CASE NUMBER
2024-07-0645

NCIC
INC. ENTD.

<input type="checkbox"/> ORIGINAL REPORT	<input type="checkbox"/> SUPPLEMENTAL REPORT	<input type="checkbox"/> ADDITIONAL VICTIMS	<input type="checkbox"/> ADDITIONAL STOLEN PROPERTY	PAGE <u>2</u> of <u>2</u> PAGES
<input type="checkbox"/> MODIFIES ORIGINAL	<input type="checkbox"/> CASE STATUS CHANGE	<input type="checkbox"/> ADDITIONAL OFFENDERS	<input type="checkbox"/> ADDITIONAL RECOVERED PROPERTY	

VICT./SUBJ. I.D. OVERFLOW	<input type="checkbox"/> COMPLAINANT	NAME (LAST, FIRST, MIDDLE)			VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	<input type="checkbox"/> VICTIM #				#1	#2	#3	* J S O U					
	<input type="checkbox"/> SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ETC.							
	<input type="checkbox"/> RUNAWAY	ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE			
	<input type="checkbox"/> WANTED												
	<input type="checkbox"/> WARRANT	<input type="checkbox"/> VICTIM NO. <input type="checkbox"/> VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES			COMPLAINT OF NON-VISIBLE INJURIES		VICTIM USING ALCOHOL: <input type="checkbox"/> NONE		<input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> DETECTIVE/SPLASMT		<input type="checkbox"/> ALONE		
<input type="checkbox"/> ARREST	EXPLAIN			<input type="checkbox"/> NO <input type="checkbox"/> YES		DRUGS: <input type="checkbox"/>		<input type="checkbox"/> ONE-MAN VEHICLE <input type="checkbox"/> OTHER		<input type="checkbox"/> ASSISTED			
<input type="checkbox"/> JAIL	<input type="checkbox"/> SUBJECT NO. <input type="checkbox"/> USING: ALCOHOL <input type="checkbox"/>			DRUGS <input type="checkbox"/>		TYPE:							
<input type="checkbox"/> SUMMONS	COMPUTER EQUIP. <input type="checkbox"/>			NONE <input type="checkbox"/>									

VICT./SUBJ. I.D. OVERFLOW	<input type="checkbox"/> COMPLAINANT	NAME (LAST, FIRST, MIDDLE)			VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	<input type="checkbox"/> VICTIM #				#1	#2	#3	* J S O U					
	<input type="checkbox"/> SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ETC.							
	<input type="checkbox"/> RUNAWAY	ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE			
	<input type="checkbox"/> WANTED												
	<input type="checkbox"/> WARRANT	<input type="checkbox"/> VICTIM NO. <input type="checkbox"/> VISIBLE INJURY: <input type="checkbox"/> NO <input type="checkbox"/> YES			COMPLAINT OF NON-VISIBLE INJURIES		VICTIM USING ALCOHOL: <input type="checkbox"/> NONE		<input type="checkbox"/> TWO-MAN VEHICLE <input type="checkbox"/> DETECTIVE/SPLASMT		<input type="checkbox"/> ALONE		
<input type="checkbox"/> ARREST	EXPLAIN			<input type="checkbox"/> NO <input type="checkbox"/> YES		DRUGS: <input type="checkbox"/>		<input type="checkbox"/> ONE-MAN VEHICLE <input type="checkbox"/> OTHER		<input type="checkbox"/> ASSISTED			
<input type="checkbox"/> JAIL	<input type="checkbox"/> SUBJECT NO. <input type="checkbox"/> USING: ALCOHOL <input type="checkbox"/>			DRUGS <input type="checkbox"/>		TYPE:							
<input type="checkbox"/> SUMMONS	COMPUTER EQUIP. <input type="checkbox"/>			NONE <input type="checkbox"/>									

NARRATIVE													

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY					
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VEH./GUN/JECT	STATUS	TYPE	VIN AND/OR LICENSE NO.				BOAT HULL NO. AND/OR REG. NO.					
	<input type="checkbox"/> STOLEN	<input type="checkbox"/> VEHICLE	SERIAL AND/OR OWNER APPLIED NO.				STATE					
	<input type="checkbox"/> RECOVERED	<input type="checkbox"/> GUN	YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE					
	<input type="checkbox"/> FOUND	<input type="checkbox"/> BOAT	MODEL	STYLE	COLOR	BRAND NAME	CALIBER					
	<input type="checkbox"/> TOWED	<input type="checkbox"/> LICENSE PLATE	NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE						
	<input type="checkbox"/> SUSPECT	<input type="checkbox"/> SECURITIES/BONDS, STOCKS	MISCELLANEOUS									
<input type="checkbox"/> VICTIM	<input type="checkbox"/> ARTICLE											

PROPERTY EST.	TYPE (GROUP)	TOTAL VALUE										
	STOLEN											
	DAMAGED											
	BURNED											
	RECOVERED											
	SEIZED											
COUNTERFEIT												

ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED UNDER 18 <input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR UNDER 18 <input type="checkbox"/> EX-CLEAR 18 AND OVER			
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input checked="" type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY				REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
	1169 - Angel Clark				07/25/2024		0204 - Lt. Alvin Powell		07/31/2024			
						FOLLOW-UP INVESTIGATION OFFICER						
						<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 1169 - Angel Clark		07/25/2024		1169		