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Apr 06 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

APRIL JARQVAVIA LILLISTON,

APPELLANT

APPELLATE CASE NO. 2025-001673

MOTION TO DISMISS APPEAL
WITHOUT PREJUDICE

Undersigned counsel respectfully requests this Court dismiss the above-referenced appeal **without prejudice**. In support of this motion, counsel submits the following:

1. A Berkeley County grand jury indicted appellant in July of 2024 for the offense of unlawful conduct towards a child (2024-GS-08-03222). Appellant was tried before the Honorable Deadra L. Jefferson and a jury from July 31 – August 1, 2025. Appellant was represented by Julie M. Shivers and Astasia Williams-Bertles. Rachel H. Janowski and F. Alexander Myers prosecuted the case. Appellant was convicted of the lesser-included offense of cruelty to children and sentenced to 30 days incarceration suspended to one day time served, with the balance suspended to one year of probation.

2. On August 11, 2025, trial counsel Shivers filed a Motion for Reconsideration of Sentence with the court, seeking reconsideration of appellant's sentence. The state filed a response on October 2, 2025.

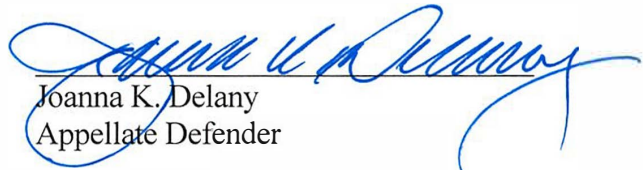
3. On August 15, 2025, this Court received appellant's *pro se* notice of appeal, which was submitted on or about August 4, 2025, seeking direct appeal.

4. On August 22, 2025, this Court sent a letter to trial counsel Shivers noting several deficiencies in Appellant's *pro se* notice of appeal. Trial counsel cured these deficiencies by way of serving a notice of appeal on August 27, 2025, which was received by this Court on September 2, 2025.

5. On March 17, 2026, undersigned counsel's office confirmed with the Berkeley County Clerk of Court's office that there was no order ruling on the Motion for Reconsideration. Upon information and belief, the August 11, 2025, Motion to Reconsider is still pending.

Based on the above showing, undersigned counsel respectfully requests this Court dismiss appellant's current appeal **without prejudice** to allow Judge Jefferson to rule on appellant's post-trial motion for reconsideration. Once the circuit court has ruled upon appellant's post-trial motion, appellant may then serve notice of appeal and go forward with her direct appeal at that time. While this motion is pending, counsel respectfully requests this Court hold the timelines for filing her initial brief of appellant and designation of matter in abeyance.

Respectfully submitted,



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

This 6th day of April, 2026.

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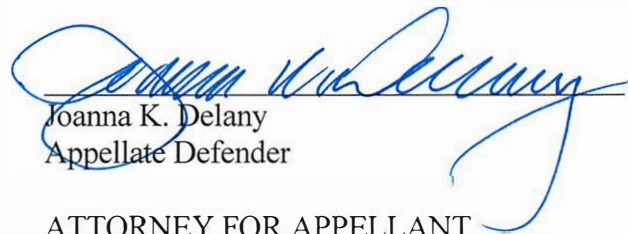
APRIL JARQVAVIA LILLISTON,

APPELLANT

APPELLATE CASE NO. 2025-001673

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 Dismiss Appeal Without Prejudice 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); and on April Lilliston, this 6th day of April, 2026.


Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

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SC Court of Appeals

From: [Mcinnis, Sara](#)
To: [Mark Farthing](#)
Cc: [Caroline Collins](#); [Delany, Joanna](#)
Subject: 2025-001673 The State v. April J. Lilliston Motion to Dismiss Without Prejudice
Date: Monday, April 6, 2026 4:13:00 PM
Attachments: 2025-001673 The State v. April J. Lilliston Motion to Dismiss Without Prejudice.pdf

Good Afternoon Mr. Farthing,

Attached for service in the above-referenced case is the Motion to Dismiss Without Prejudice, which will be filed with the Court of Appeals today, April 6, 2026, via email filing.

Thank you,

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330