

State of South Carolina
Court of Appeals

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APR 15 2026

SC Court of Appeals

The State
Respondent

VS

Terrell Herbert Sr.
Appellant

Motion to exclude
Proof of Service, and
proof of filing with
circuit court clerk

Appellant files this Motion to exclude Proof of Service, and proof of filing with circuit court clerk. Appellant has sent several notices of appeals to the circuit court clerk, but has not received a copy back from the clerk. Appellant also sent a Notice of Appeal, and Change of Address to the clerk certified mail from his current address, but still has not received a copy back. Appellant is not sure how much of an influence the Solicitor has with the Clerk of Courts but he is not receiving any responses from the Clerk of Court. Furthermore Appellant is in custody with limited mailing resources. The mail room has said appellant can have you call to verify that no mail was received to them by Florence County Clerk of Courts. For these reasons appellant ask this motion to be granted.

Terrell Herbert 4-10-26

State of South Carolina
Court of Appeals

Appellate CA 2026-000743

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APR 15 2026

SC Court of Appeals

The State
Respondent
VS.

Notice of Appeal
for Convictions

Terrell D Herbert Sr.
Appellant

Appellant (Herbert) files this notice of appeal for his convictions of 2 counts of 1st degree Harassment which was ran consecutive for a total of 6 years. For the reasons below appellant files this notice of appeal. Appellant argues that he filed a motion for a speedy trial on July, 14th, 2025, and again on August, 18th 2025. A trial date was set for December, 15th 2025 which was already a violation of Appellant's right to a speedy trial. At that trial date Appellant was ready to proceed, but the trial was continued by no fault of Appellant. Appellant then objected to the continuance but was told it would only be delayed a couple of weeks. Trial was not set until several months later,

on March, 18th, 2026 causing Appellant to lose discovery for his defense, and multiple witnesses being as though he was being held in custody since 8-9-24 Appellant (Herbert) then filed a motion to Dismiss for a Due Process violation after the continuance in December. Appellant addressed that motion at trial on March, 18th but the trial judge erred by denying that motion. Trial court also erred by misleading the jury by not Informing them that emails, and voicemails dose not equal up to 1st Degree Harassment. During cross-examination of the state's witness

Investigator Angel Clark, Appellant addressed a peice of discovery submitted by the state which had 2nd Degree Harassment on the incident report that was made by Ms. Clark. I asked her to read the report for the record, and read the Statute for 2nd Degree Harassment but Solicitor James Ryan White objected and said the judge will instruct the jury. The trial judge substained but never instructed the jury about the statute for that discovery, when appellant objected about the jury instructions he was told he is not charged with 2nd degree harassment so that will not be addressed. Terrell Perez 4-10-26

Terrell Herbert 400543
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