

State of South Carolina
Supreme Court

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APR 23 2026

S.C. SUPREME COURT

Petition for Writ of
Certiorari

The State, Respondent

VS.

Terrell Herbert Sr, Appellant

Appellant (Herbert Sr.) files this Petition for Writ of Certiorari for the following reasons.

Appellant filed an Appeal of his convictions, and Sentences of two counts of 1st Degree Harassment that was ran consecutive for a total of six (6) years imprisonment. During his Appeal Appellant argued that his convictions should be overturned because Appellant filed a motion for his right to a Speedy trial on July 14th, 2025, and August 18, 2025.

Appellant case was not taken to trial until March, 18th, 2026 which violated his right to a speedy trial.

Appellant filed a Motion to Dismiss which was addressed at trial, but the trial court erred in denying that motion to dismiss. Appellant also argued that the trial court erred in misleading the jury by not allowing them to observe the statute for 2nd Degree Harassment even though the state submitted multiple discoveries with 2nd Degree Harassment on it. During cross-examination of the state's witness Investigator

Angel Clark, the defense had Ms. Clark read the incident report which stated 2nd Degree Harassment and asked her to read the statute for 2nd Degree Harassment. Solicitor James White objected and said the judge will instruct the jury, and the judge sustained his objection. However during the jury instructions the judge failed to address this issue even though the defense objected to the jury instructions, Appellant was told since he is not being charged with 2nd Degree Harassment that statute will not be addressed even though ~~the~~ state submitted discovery with 2nd Degree on it.

Appellant also Appealed his sentence of 6 years as he received a consecutive sentence of 3 years for 2 counts. Appellant objected to the sentence and asked the sentences to be ran concurrent since Appellant was never convicted of 1st Degree Harassment or any crimes before. Appellant also argued that he has no violent criminal history, or no incidents while being held in custody for 19 months. However the trial judge still ran the sentences ~~consecutive~~ ^{consecutive}. During his Appeal Appellant attempted to obtain copies of his notices to the circuit court, but the clerk of Court is not responding or sending copies to Appellant. For these reasons Appellant Appeal was dismissed for not providing proof of timely service of the notice of appeal to the circuit court.

Appellant is still waiting for the Florence County clerk of Courts to send him copies of his notices to appeal that he sent through the U.S mail to the Clerk of Court. Appellant even sent a copy of the notices to appeal certified mail but somehow Appellant is not receiving a signed return receipt. Appellant also filed a Change of Address with the Florence County Clerk of Court in hopes that it will be sent to the new address, however appellant was informed that since he is in custody the address is updated in the system automatically so it's no reason the copies should not have been sent to the new address. The mailroom here at Kirkland R@E said they have a list of all legal mail that is sent to inmates, and they have nothing on file from Florence County Clerk of Court. I have gave the mailroom consent to speak with the Supreme Court in regards to my mail list and not receiving anything from the Florence County Clerk of Court since I have been here for nearly 30 days. Please look into these matters. I have attached the response from the Court of Appeals, and I have submitted the Sentencing sheet along with the motion for my right to a speedy trial with the Court of Appeal.

Terrell Nesbitt 4-18-26

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