

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable Grace Knie, Circuit Court Judge

Appellate Case No. 2024GS4202998

RECEIVED

JUL 27 2026

SC Court of Appeals

The State,

v.

Respondent,

Daquan Markeise Terrell

Appellant

MOTION FOR LEAVE TO FILE OUTSIDE TIME LIMITS

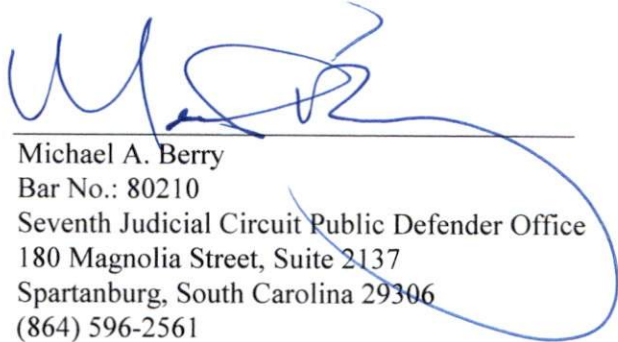
Undersigned counsel respectfully moves this Honorable Court for an Order permitting Appellant to proceed with the filing of his Notice of Appeal outside the time limitations prescribed by Rule 203(b)(2), SCACR, and in support thereof would respectfully show the Court as follows:

1. Appellant plead guilty in the Spartanburg County Court of General Sessions on June 12, 2026 and judgment was entered against him. Pursuant to Rule 203(b)(2), SCACR, a Notice of Appeal was required to be served within ten (10) days after the sentence was imposed.
2. The Notice of Appeal was not filed within the prescribed period. The delay, however, was not the product of any intentional waiver of Appellant's appellate rights, neglect by Appellant, or conscious disregard of the Rules of Appellate Procedure.
3. Rather, counsel was not made aware of Appellant's desire to pursue a direct appeal until after expiration of the ten-day appeal period.
4. During the relevant time, Spartanburg County experienced a near-total network outage that substantially disrupted county communications. The outage significantly impaired telephonic communications and materially interfered with the ability of detainees housed at the Spartanburg County Detention Center to communicate with counsel regarding their cases and appellate rights.
5. Compounding those extraordinary circumstances, undersigned counsel was on previously scheduled annual leave from June 24, 2026, through July 5, 2026. Counsel did not receive Appellant's communications until the network disruption had been resolved and counsel returned to the office on July 6, 2026.
6. Upon learning that Appellant wished to pursue an appeal, counsel acted without unnecessary delay to prepare and file a Notice of Appeal in order to preserve any appellate rights to which Appellant may be entitled.

7. Under these unique circumstances, the untimely filing resulted from extraordinary communication failures beyond the control of both Appellant and counsel rather than any knowing or voluntary relinquishment of Appellant's right to appellate review.
8. Appellant respectfully submits that allowing the appeal to proceed will serve the interests of justice and will ensure that Appellant is not deprived of appellate review solely because circumstances outside the control of both Appellant and counsel prevented timely communication concerning his desire to appeal.

WHEREFORE, Appellant respectfully requests that this Court enter an Order granting leave to file the Notice of Appeal outside the time limits established by Rule 203(b)(2), SCACR, deem the Notice of Appeal timely filed, and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



Michael A. Berry
Bar No.: 80210
Seventh Judicial Circuit Public Defender Office
180 Magnolia Street, Suite 2137
Spartanburg, South Carolina 29306
(864) 596-2561
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable Grace Knie, Circuit Court Judge

Appellate Case No. 2024GS4202998

The State

Daquan Markeise Terrell

v.

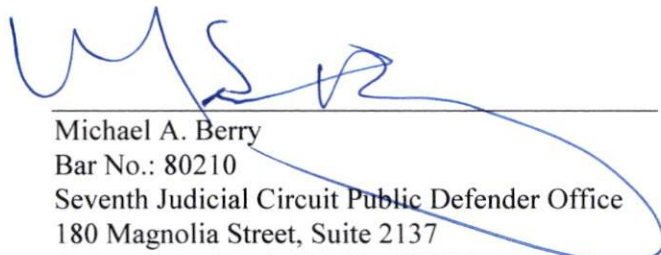
Respondent,

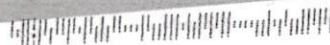
Appellant.

PROOF OF SERVICE

I certify that I have served the Motion for Leave to File Outside Time Limits on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on July 23, 2026, addressed to its attorney of record, Jennifer Jordan, 180 Magnolia Street, Spartanburg, South Carolina 29306 and the Honorable Alan M. Wilson, P.O. Box 11549, Columbia, South Carolina 29211.

July 23, 2026


Michael A. Berry
Bar No.: 80210
Seventh Judicial Circuit Public Defender Office
180 Magnolia Street, Suite 2137
Spartanburg, South Carolina 29306
(864) 596-2561
Attorney for Appellant



US POSTAGE
ZIP 29303 \$001.98⁰
02 4W
0000375538 JUL 23 2026

Seventh Judicial Circuit Public Defender
180 Magnolia Street, Suite 2137
Spartanburg, South Carolina 29306

RECEIVED

JUL 27 2026

SC Court of Appeals

Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O Box 11629
Columbia, South Carolina 29211