

RECEIVED

Sep 09 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable William H. Seals, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TERRELL DAVID HERBERT,

APPELLANT

APPELLATE CASE NO. 2026-000743

RETURN TO MOTION TO APPOINT COUNSEL

The undersigned counsel files this Return in response to Appellant's *pro se* motion for the appointment of counsel received by this Court on July 31, 2026. The undersigned counsel would submit the following information in support of this Return.

1. Appellant was indicted by a Horry County grand jury for two counts of first degree harassment (2025-GS-21-02876 and 2025-GS-21-02877). On or about March 18, 2026, Appellant was convicted as indicted, and the Honorable William H. Seals, Jr. entered permanent restraining orders as to the victims and sentenced Appellant to consecutive terms of three (3) years incarceration as to each charge. On March 24, 2026, Appellant filed a *pro se* notice of appeal with this Court.

2. On April 20, 2026, this Court accepted the *pro se* Notice of Appeal as filed and set a

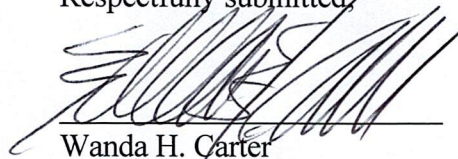
timeline for ordering the transcript. On July 31, 2026, Appellant moved for the appointment of counsel to be granted in the case. On August 31, 2026, this Court requested that Return to this motion be filed by the South Carolina Commission on Indigent Defense, Division of Appellate Defense (hereinafter referred to as "this Office").

3. On September 9, 2026, this Office sent Appellant an Affidavit of Indigency via US Mail to be returned in order to determine Appellant's eligibility for representation by this Office on appeal.

4. The undersigned counsel will review Appellant's affidavit of indigency once it is received by this Office, and accept representation of Appellant on appeal if he is determined to be indigent.

WHEREFORE, the undersigned counsel would request that this Court hold the matter in abeyance for thirty (30) days to allow this Office to screen Appellant for indigency, and thereafter notify the Court as to whether Appellant's status is indigent, and further inform the Court on any decision reached regarding moving forward with the perfection of Appellant's appeal as a client of this Office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter
Chief Appellate Defender

This 9th day of September, 2026.

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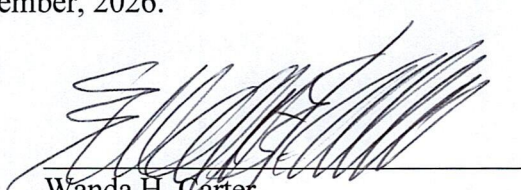
TERRELL DAVID HERBERT,

APPELLANT

APPELLATE CASE NO. 2026-000743

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Return to the Motion to Be Relieved in the above referenced case has been served upon Mark Reynolds Farthing, Esquire, at their primary e-mail addresses listed in the Attorney Information System (AIS), and on Terrell D. Herbert via US Mail at Kershaw Correctional Institution, 4848 Goldmine Hwy, Kershaw, SC 29067, South Carolina 29566 this 9th day of September, 2026.



Wanda H. Carter
Chief Appellate Defender