STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari From Cherokee County Court of Common Pleas
The Honorable J. Derham Cole, Circuit Court Judge
Case No. 2019-CP-11-0457

RECEIVED
JUL 28 2022
S.C. SUPREME COURT

Alonzo C. Jeter, III, ... PETITIONER,

v

State of South Carolina, ... RESPONDENT.

APPLELLATE CASE NO. 2022-000750

APPENDIX
I

Alonzo C. Jeter, III, #282902

Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

PETITIONER / *pro se*

Chelsey Faith Marto, AAG
1000 Assembly Street
Room 519
Columbia, SC 29201

COUNSEL FOR RESPONDENT

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0190P-110457

June 14, 2019

1

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-7-101 / #282902
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: APPLICATION FOR POST-CONVICTION RELIEF

Dear Ms. McBee:

Enclosed for filing, please find the originals, APPLICATION FOR POST CONVICTION RELIEF, MEMORANDUM IN SUPPORT OF PCR, EXHIBITS A,B,C,D (Pages 1-7) and AFFIDAVIT OF AUTHENTICITY, and CERTIFICATE OF SERVICE.

Enclosed, please also find a copy of all said documents along with a self-addressed stamped envelope. Please return to me, clock-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III
APPLICANT / *Pro Se*

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

0190P-110457 a

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, Applicant,	Case No:.
V	**CERTIFICATE OF SERVICE**
State of South Carolina, Respondent.	

I, Alonzo C. Jeter, III, #282902, Applicant, hereby certify that I have served a copy of Applicant's *APPLICATION FOR POST CONVICTION RELIEF, MEMORANDUM IN SUPPORT OF APPLICATION FOR PCR*, and *EXHIBITS* A,B,C,D (Pages 1-7) and *AFFIDAVIT OF AUTHENTICITY*, upon Respondent by placing a copy of all said documents inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel for mailing via the United States Mail, addressed as follows:

Alan Wilson, *Esquire*
Attorney General of South Carolina
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

I further certify under the penalty of perjury that the above statement is true and correct.

S/ _____
Alonzo C. Jeter, III, #282902
APPLICANT / *PRO SE*

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

SWORN and Subscribed before me
This 14 day of June 2019

_____
Notary Public for South Carolina
My Commission Expires: March 24, 2027

FORM 5

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE)

Alonzo Columbus Jeter, III #282902
Full name and prison number (if any) of Applicant.

v.

State of South Carolina

019CP-1104573

APPLICATION FOR POST-CONVICTION RELIEF

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Tyger River Correctional Institution
2. Name and location of Court which imposed sentence Cherokee County Courthouse Cherokee County - Gaffney, SC
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
   (a) 04-GS-11-925 - 1st offense - Possession of less than a gram of crack cocaine
   (b) 04-GS-11-926 - 1st offense - Possession of less than a gram of crack cocaine
   (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
   (a) October 12, 2004 - 3 years Probation - concurrent -
   (b) October 12, 2004 - 3 years Probation - concurrent -

Revised 3/2003

(c) To merge into 1 conviction of 1st offense for enhancement purposes 4

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. _____

ii. N/A

iii. _____

(b) the result in each such Court to which you appealed:

i. _____

ii. N/A

iii. _____

(c) the date of each such result:

i. _____

ii. N/A

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. _____

ii. N/A

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) There was no reason to appeal that I was aware of

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: SEE ATTACHMENT - Page 8

(a) Ineffective Assistance of Counsel - 6th Amendment Constitution

(b) Applicant Reserves Right to Amend Application

(c) RULE 71.1(d) SCRCP

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) See Attachment - Page 8

(b) ———

(c) ———

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? ———

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? YES

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? ———

(d) any other petitions, motions or applications in this or any other Court? ———

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. PCR Application filed on June 19, 2017 - Case # 2017-CP-11-0486

ii. Petition for Writ of Certiorari filed September 24, 2018 - Case No. 2018-001471

iii. ———

iv. ———

(b) the name and location of the Court in which each was filed:

i. Cherokee County Courthouse, Gaffney, SC

ii. S.C. Supreme Court, Columbia, SC

iii. ———

iv. ———

(c) the disposition thereof:

i. Application denied and dismissed with prejudice

ii. Dismissed

iii. ———

iv. ____

(d) the date of each such disposition:

i. August 2, 2018

ii. January 11, 2019 and Remittitur sent on January 29, 2019 received on February 5, 2019

iii. ____

iv. ____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. I

ii. ____

iii. ____

iv. ____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Attempted, but no ruling or hearing on merits was given, No Counsel

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. ____

ii. ____

iii. ____

(b) the proceedings in which each ground was raised:

i. ____

ii. ____

iii. ____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Ineffective Assistance of Counsel - lacked specificity, amended

(b) but not taken notice of Judicially

(c) ____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? YES

(b) your trial, if any? _____

(c) your sentencing? YES

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NO

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Don Thompson, PO Box 8008, Gaffney, SC 29340

ii. _____

iii. _____

(b) the proceedings at which each such attorney represented you:

i. Plea and Sentencing

ii. _____

iii. _____

19. State clearly the relief you seek in filing this application:

Sentence corrected, Sentencing sheet to reflect merging agreement

20. Are you now under sentence from any other court that you have not challenged?

NO

8

0190-110457

STATE OF SOUTH CAROLINA)
)
VERIFICATION
County of CHEROKEE)

Alonzo C. Jeter, III

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

SWORN to and subscribed before me this 14 day of June, 2019.

Notary Public (L.S.)

My Commission Expires: March 24, 2027

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

Revised 3/2003

0190-110457 9

APPLICATION TO PROCEED WITHOUT PAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

Alonzo C. Jeter, III

I, , hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Applicant

SWORN or affirmed to and ~~subscribed~~ before me this 14 day of June, 2019.

Notary Public

My Commission Expires: March 24, 2027

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

Revised 3/2003

10: State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) Ineffective Assistance of Counsel as guaranteed by the Sixth Amendment of the United States Constitution

(b) Applicant reserves the right to amend his PCR application; Rule 71.1(d)

11: State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) Plea counsel explained and assured me that my conviction would only be considered one 1st Offense conviction of possession of crack for enhancement purposes. During the plea colloquy this was discussed in depth between Applicant, Plea Counsel, Solicitor and Plea Judge and confirmed. This agreement and understanding was again stated at the time of sentencing Applicant to a concurrent sentence of three years imprisonment, suspended to three years probation. Plea counsel failed to ensure that the terms of the plea were unambiguously written on the sentencing sheet to prevent any possible future discrepancy in regards of the terms, understanding and agreement of the plea. Plea counsel's failure to make a motion for clarification of sentence constitutes ineffective assistance.

(b) Applicant reserves the right to amend his PCR application; Rule 71.1(d)

11

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	}	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, Applicant,	}	Case No. 2019-CP-11045
V	}	**MEMORANDUM IN SUPPORT OF APPLICATION FOR POST-CONVICTION RELIEF**
State of South Carolina, Respondent.	}	

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY T. MCBEE

In light of the length of time between the dates of the Applicant's conviction and the filing of this application for Post-Conviction Relief, (PCR), the Applicant anticipates the Respondent will attempt to assert that the PCR application is filed untimely and barred by the statute of limitations and laches. Applicant anticipates the Respondent will attempt to move for Summary Judgment based on these assertions. For judicial economy the Applicant submits this Memorandum in support of his application and will show the Court why any such assertions and attempts fail as any such application to this case would be displaced.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. Applicant appeared before the Honorable Roger L. Couch on October 12, 2004 and entered a plea of guilty to the charges of Possession of Crack 1st Offense (2004-GS-11-925) and Possession of Crack 1st Offense (2004-GS-11-926). Judge Couch sentenced Applicant to three years imprisonment, suspended upon the service of time served and probation for three years. Applicant waived presentment to the Grand Jury. Applicant was represented by Public Defender Don Thompson. Applicant did not appeal his conviction.

PREVIOUS APPLICATION

Applicant filed an application for Post-Conviction Relief on June 19, 2017, wherein he attempted to make his claims. (PCR Case No. 2017-CP-11-0486) The application was denied and dismissed with prejudice by order of the Honorable R. Keith Kelly on July 25, 2018, and this decision was filed in the office of the Cherokee County Clerk of Court on August 2, 2018. The basis for the denial of the PCR application was that the applicant failed to state a cognizable claim and that the application was barred by the statute of limitations and the doctrine of laches.

Applicant filed a Petition for Writ of Certiorari on September 24, 2018, in the South Carolina Supreme Court, (Appellate Case No. 2018-001471). The Court

dismissed the action by an order of dismissal dated January 11, 2019. The Remittitur was sent on January 29, 2019.

CURRENT APPLICATION

Applicant files this current application in attempt to sufficiently state his grounds for relief and the supporting facts. Applicant's previous application was filed without the benefit of counsel and it was ultimately denied due to the lack of assistance of counsel as no counsel was appointed to Applicant to assist in properly raising and stating the grounds, facts and claims for relief. RULE 71.1(d). The Applicant would also submit that this application should not be deemed as a successive application. See Case v State,277 S.C 474, 289 SE2d 413 (1982) - Where defendant's first application for post-conviction relief was filed without assistance of legal counsel and was dismissed without a hearing on basis that it lacked specificity, defendant's second application for post-conviction relief warranted hearing despite its successiveness.

STATUTE OF LIMITATIONS

I

Applicant was sentenced on October 12, 2004, and did not file a direct appeal. The application for post-conviction relief was therefore due to be filed within one year of the plea pursuant to the Uniform Post-Conviction Procedure Act (the Act). S.C. Code Ann. 17-27- 10 to - 106. Specifically, the act requires as follows:

> An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v State, 321 S.C. 468, 469 SE2d 606 (1996).

II

DISCOVERY

Applicant files his application for post-conviction relief under the discovery rule which exists in the Act, which specifically states the following:

> If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence

S.C. Code Ann. 17-27-45(C).

Applicant pled guilty in 2004 based on an understanding and agreement that his charges of Possession of Crack 1st Offense (2004-GS-11-925) and Possession of Crack 1st Offense (2004-GS-11-926) would merge and be considered one 1st Offense conviction for enhancement purposes. This understanding and agreement was discussed in depth between Applicant, Applicant's plea counsel, Solicitor and sentencing Judge during the plea colloquy. The Applicant was sentenced to three years imprisonment, suspended upon the service of time served and probation for three years under this agreement and understanding as the sentencing Judge orally pronounced again the understanding while sentencing Applicant.

Simmons v State, 2016 WL 1589136 (2016) - The phrase on the sentencing sheet "without negotiations or recommendation" means the state and the defendant have not agreed on sentencing, and either party is free to request a favorable sentence.

Medlin v State, 276 S.C. 540, 280 SE2d 648 (1981) - A Judge may participate in negotiations of guilty plea.

This same agreement and understanding was and is still reflected on Applicant's SLED NCIC Rap Sheet and his city and county criminal background reports, as the Applicant' SLED NCIC Rap Sheet all other criminal history records reflects only one conviction for 1st offense possession of crack. *See Exhibits*

Applicant was charged with Trafficking 10-28 grams of methamphetamine and two counts of distribution of methamphetamine on July 16, 2016. These charges were enhanced to 3rd Offenses based on an error of using a prior marijuana conviction as an enhancer. Petitioner filed an application for post-conviction relief on April 28, 2016, based on this error and ineffective assistance of counsel. (PCR Case No. 2016-CP-11-0293) A post-conviction relief hearing on the matter was held on March 20, 2017, wherein the PCR Court did recognize this error and the proceeding was adjourned as the PCR Judge noted that he would be taking the matter under advisement.

The State filed a Motion to Reopen the PCR Record on May 1, 2017 and a hearing was held on June 30, 2017, wherein the PCR Judge did allow the PCR record to be reopened. It was at that time that the State stated that they found a prior

conviction that they were not aware of and did introduce and enter sentencing sheets from Applicant's 2004 guilty plea. It was at that time that the Applicant discovered that the State would attempt to consider the Applicant's 2004 plea as two 1st Offense convictions for enhancement purposes. In discussion with the State and the PCR Judge in regards of the 2004 plea it was noted that the sentencing sheets did show that it was concurrent sentencing and both sentencing sheets did reflect 1st Offense. Applicant's 2004 plea counsel had failed to ensure that the specific terms of the understanding and agreement in regards of the plea was written on the sentencing sheets which would have prevented any future discrepancy in regards of the specific terms of the plea. It was at that time that Applicant discovered the ineffective assistance of counsel claim. Applicant's 2004 plea counsel's failure to make a motion for clarification of sentence was indeed ineffective assistance.

There was not any way that Applicant would have known before this time that the State would in the future misunderstand and miscomprehend the terms of the Applicant's plea. As the Applicant was required to provide his criminal history reports for employment purposes and has had to obtain his criminal history reports and records on many occasions throughout the years since 2004, there has never been any sign that there would later be a misunderstanding and miscomprehension by the State of the terms of the plea. There was no sign or reason that the Applicant would need to exercise any *reasonable diligence* when there has never been any problem and not a way of knowing that there is a future problem. S.C. Code Ann. 17-27-45(C).

The discovery rule which exists in the Act specifically states that the application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. 17-27-45(C). Applicant submits that this application for post-conviction relief would not be barred due to statute of limitations. See McCoy v State, 401 S.C. 363, 737 SE2d 623 (2013), Coates v State, 575 SE2d 557 (2003), McDuffie v State, 276 S.C. 229, 277 SE2d 595 (1981).

LACHES

Applicant would show the court that his application for post-conviction relief and claims are not barred by the doctrine of laches as he has sufficiently presented the facts which include how and when the claims for PCR were discovered. Therefore, there has been shown a legitimate and undisputable explanation for the length of time between the 2004 guilty plea and the Applicant's discovering and filing his application for PCR. Applicant's explanation is a reasonable one and cannot be disputed as he presents both facts and evidence. Whitehead v State, 352 S.C. 215, 574 SE2d 200 (2002) - "Laches" is defined as neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence,

to do what in law should have been done. Applicant submits that he has provided the facts and evidence which would not be determined *unreasonable* nor *unexplained*, therefore the defense of laches is inapplicable to this case at bar.

Applicant would submit that laches should never be used to bar a claim raised under the discovery rule of S.C. Code Ann. 17-27-45(C) as this would not be equitable and the intent of this particular statute, as the discovery rule does not in any way specify that laches is a defense or an exception to the applicability of the rule. The discovery rule sets its own independent standard of application.

SUMMARY DISMISSAL

Applicant submits that summary dismissal of his application for post-conviction relief would be inappropriate as genuine issues of material fact does exist and is raised. Applicant would also show the court that should the Respondent present any such defense of statute of limitations or laches, those defenses in itself also presents questions of fact which can only be resolved by a hearing.

Where a defendant alleges in a successive post-conviction relief (PCR) application, facts that would establish an exception to either the statute of limitations or the prohibition against successive PCR applications and those facts are not conclusively refuted by the record before the PCR court, a question of fact is raised which can only be resolved by a hearing. S.C. Code Ann. 17-27-45(A), 17-27-70(b), 17-27-90 - Robertson v State, 418 S.C. 505, 795 SE2d 29 (2016), Delaney v State, 269 S.C. 555, 556, 238 SE2d 6789 (1977).

Summary dismissal without a hearing of Applicant's application for post-conviction relief would be inappropriate because there exist genuine issues of material fact, a hearing is equitable to develop the facts, and Applicant is entitled to relief.

Summary dismissal of a post-conviction relief application without a hearing is appropriate only when it is apparent on the face of the application that (1) there is no need for a hearing to develop any facts and (2) the applicant is not entitled to relief. S.C. Code Ann. 17-27-70(b),(c).

Any such motion for summary dismissal of Appicant's application for post-conviction relief would not be appropriate in this case.

Pelzer v State, 662 SE2d 618 (2008) - When considering the State's motion for summary dismissal of an application for post- conviction relief, a Judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the Applicant.

Leamon v State, 363 S.C. 432, 434, 611 SE2d 494, 494 (2005) - When considering the State's motion for summary dismissal, where no evidentiary hearing has been held, the PCR Judge must assume facts presented by the applicant are true and view those facts in the light most favorable to the applicant. (Citing S.C. Code Ann. 17-27-80).

Should the Respondent move for summary judgment or dismissal of this case, Applicant seeks that counsel would be appointed.

Gary v State, 347 S.C. 627, 557 SE2d 662 (2001) - When the State moves for dismissal under section 17-27-45(A) and the PCR applicant raises an issue of material fact regarding the applicability of the one year limitation, counsel should be appointed under Rule 71.1(d), SCRCP.

Gary v State, 347 S.C. 627, 557 SE2d 662 (2001) - In the interest of fairness, counsel should be appointed to an indigent post-conviction relief applicant when the State moves for dismissal on limitations grounds and the applicant raises an issue of material fact regarding the applicability of the statute of limitations.

RESULTS OF PRIOR CONVICTIONS

Applicant submits that he has standing to challenge this conviction as he is suffering continuing effects of this conviction and plea counsels ineffectiveness regarding the plea and its understanding and agreement of terms.

Jackson v State, 331 S.C. 486, 489 SE2d 915 (1997) - Applicant who alleged that he was suffering continuing effects from his conviction had standing to bring action for post-conviction relief, despite fact that challenged conviction did not result in incarceration.

McDuffie v State, 276 S.C. 229, 277 SE2d 595 (1981) - Where an applicant for PCR alleges in his application that results of his prior conviction still persist, even though sentence has been fully served, he is entitled to an evidentiary hearing to determine whether he has been prejudiced.

Jones v State, 322 S.C. 101, 470 SE2d 110 (1996) - Petitioner has standing to petition for post-conviction relief if he is in custody or the results of his prior conviction still persist.

CONCLUSION

Applicant has demonstrated sufficient reason why his PCR claim was not discovered at an earlier time and why his claim should not be barred by the statute of limitations, laches, etc., and therefore why his claim and application for post-

conviction relief should not be summarily dismissed. Applicant has set forth clear genuine issues of fact that would refute any contention that his discovery is unreasonable and unexplained.

Applicant files this Memorandum seeking to provide the Court with a clear picture of his claims. This Memorandum is also filed in the interest of judicial economy. Applicant respectfully requests that this Court would grant an evidentiary hearing on his application for post-conviction relief and also respectfully requests that this Court would appoint counsel for representation in this PCR action.

Respectfully submitted,

Alonzo C. Jeter, III, # 282902
APPLICANT / *PRO SE*

This 14th day of June, 2019.

0190P-110457

EXHIBITS

Page

1 - 2 **Exhibit A** - Applicant's Criminal History Report from Cherokee County Sheriff's Office Dated January 19, 2018 - Received From Donna Brackett of the Records and Identification Bureau

3 **Exhibit B** - Letter From Barbara Peterson - Administrative Assistant To The Chief Of Gaffney Police Department, Dated January 25, 2018, Providing A Certified Copy Of Applicant's Criminal History Report

4 - 5 **Exhibit C** - Applicant's Criminal History Report From Gaffney Police Department's Records Division, Dated January 16, 2018, Received From Barbara Peterson - Administrative Assistant To The Chief Of Gaffney Police Department

6 - 7 **Exhibit D** - Relevant Portion Of Applicant's State Law Enforcement Division (SLED) Rap Sheet

Note: ***Applicant asks that these records be properly redacted as necessary or sealed before being deemed made public record as he files this application for post-conviction pro se, he is not aware of the proper procedure of redaction of documents when they are proffered for entering in as exhibits with an Affidavit of Authenticity.***

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

FORM #CHR2011

19

Steve Mueller
Sheriff of Cherokee County
312 East Frederick Street
Gaffney, South Carolina 29340
PHONE: (864)489-4722

EXHIBIT A - Page 1

I hereby give my consent to a complete records check and further request that all information concerning my arrest(s) and/or conviction(s) be furnished.

2019CP-110457

Alonzo Jeter III
(NAME)

247-53-5003
(SOCIAL SECURITY NUMBER)

10-12-77
(DATE OF BIRTH)

1/19/2018 9:23:15 AM
(DATE)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

THIS IS TO CERTIFY THE ABOVE NAMED SUBJECT:

☐ Does Not Have a Criminal History in Cherokee County

☒ Does Have a Criminal History in Cherokee County

5-7-96 A&B /E687401/GUILTY 5-24-96
5-12-97 PROVIDING FALSE INFO TO POLICE/90424AL/GUILTY BT TIME SERVED 6/3/97
6-25-00 DUS/67324BC/GUILTY FORF7/5/00
5-7-01 SIMPLE POSS MARIJUANA/68274BC/GUILTY TIME SERVED 9-3-01
5-7-01 DUS 5TH/68272BC/GUILTY TIME SERVED 9-3-01
5-7-01 DISREGARDING STOP SIGN/68270BC/GUILTY TIME SERVED 9-3-01
5-7-01 OPERATING UNINSURED VEHICLE/68273BC/TIME SERVED 9-3-01
2-24-02 CDV/H001623/GUILTY PLEA 3-27-02
4-28-03 DUI 2ND/57323BY/GUILTY 90 DAYS 11-19-03
4-28-03 DUS 7TH/GUILTY 6 MON/11-19-03
1-29-04 DUS 3RD/27489CR/GUILTY PLEA 4-13-14
1-29-04 BREACH OF TRUST/H005602/GUILTY PLEA 4-8-04
9-4-04 SIMPLE POSS MARIJUANA/H004829/ GUILTY PLEA 9-29-04
9-4-04 PWID CRACK COCAINE/H0048030/PLED TO POSS COCAINE/3 YRS PROB 10-12-04
11-30-06 SIMPLE POSS MARIJUANA/H854986/PLEA GUILTY /TIME SERVED 8-18-08
2-8-08 SIMPLE POSS MARIJUANA/97413DV/GUILTY BT 3-13-08
2-08-08 DUS/97414DV/GUILTY BT 3-13-08

2-08-08 HABITUAL OFFENDER/97415DV/PLED GUILTY/ 5 YRS, 1 YR SUSP, 2 YRS PROB 8-18-08

12-20-12 PWID MARIJUANA/2013A1110100617/ PLED TO POSS MARIJUANA/GUILTY 8-15-13

4-10-14 POSS MARIJUANA/2014A1110100238/PLED GUILTY TIME SERVED 7-17-15

3-31-15 PWID METH W/I PROX /2015A1110100231/PLED GUILTY 10 YRS 7-16-15

3-31-15 TRAFF CRACK 3RD/2015A1110100235/PLED GUILTY 15 YRS 7-16-15

3-31-15 DIST METH 3RD/ 2015A1110100233/PLED GUILTY 7-16-15

3-31-15 PWID W/I PROX METH/2015A1110100234/PLED GUILT 10 YRS7-16-15

3-31-15 DIST METH 3RD/2015A1110100230/PLED GUILTY 15 YRS 7-16-15

EXHIBIT A-Page 2

Dana Brackett

**This report reflects the Criminal History of the above named subject only within the Jurisdiction of Cherokee County South Carolina. Other State and Local Criminal History reports must be obtained through S.L.E.D. and the City of Gaffney respectively.*

Records and Identification Bureau
312 East Frederick Street
Gaffney, South Carolina 29340

Page of

0190-110457

THIS CRIMINAL HISTORY CONTAINS
ONLY CONVICTIONS MADE BY THE
CHEROKEE COUNTY SHERIFF'S OFFICE.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

Gaffney Police Department
201 N. Limestone Street
P.O. Box 2109
Gaffney, South Carolina 29342
(864) 489-8115
Richard E. Turner, Chief of Police

EXHIBIT B- Page 3

January 25, 2018

0190P-110457

Alonzo C. Jeter, III
Perry Correctional Institute
Q1-B-215/#282902
430 Oaklawn Road
Pelzer, South Carolina 29669

Dear Mr. Jeter:

Per your request, I am enclosing a certified copy of your criminal history (see attachments) with the Gaffney Police Department. This is a list of your arrests/and or convictions that are on file with this department.

Please let us know if we can be of further help in this matter.

Sincerely,

Barbara Peterson

Barbara Peterson
Administrative Assistant to the Chief

BP/enclosures

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CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE



0190-10457

22

GAFFNEY POLICE DEPARTMENT

201N. Limestone Street
P.O. Box 2109
Gaffney, South Carolina 29342
(864) 489-5115

EXHIBIT C - Page 4

Criminal records inquiry

I DO GIVE MY CONSENT TO A COMPLETE RECORDS CHECK AT THE CITY OF GAFFNEY POLICE DEPARTMENT. I REQUEST THAT ALL INFORMATION CONCERNING MY ARREST(S) AND/OR CONVICTIONS BE FURNISHED.

Alonzo Jeter III — 1/16/2018
Signature — Date

NAME: Alonzo (First) Columbus (Middle) (Maiden) Jeter III (Last)

SS# 247-53-5003 DOB 10/12/1977

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

This is to certify that the above named individual:

☐ **Does Not have a criminal history in the City of Gaffney**

☒ **Does Have a criminal history in the City of Gaffney**

	Charge:	Date		Disposition
1.	Breaking Arrest	1-19-99	9 Days	1-28-99
2.	Loitering	1-19-99	9 Days	1-28-99
3.	DUS	11-11-99	Guilty	11-15-99
4.	Trespassing	2-22-99	$300 or 7 Days	2-23-99

☒ **More on back of page.**

This criminal history does not contain any Traffic Violations other than DUI, DUS, Failure to Stop for Police, and Reckless Homicide.

Invalid Without TRUE COPY Raised Seal

This criminal history does not contain any charges made prior to January 1993.

This records inquiry was made by:

Barbara Peterson
Gaffney Police Department
Records Division

515

Charge	Date	Disposition
DUS 2nd	10-8-99	90 Days 1-17-2000
DUI 1st	10-8-99	Time Served 10-19-99
CDV	12-19-2000	Guilty 1-11-2001 Tried in Absence $1025 or 30 days
Malicious Injury to Personal Property	3-21-2002	Guilty - Time Served

0190-110457

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CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

NOLLE PROSSED
COURT DATE-04/14/2004
ATN-

CIT-16-21-60(A)-MISDEMEANOR
WARR-H005434

COURT CHARGE 02-USE OF VEHICL E WITHOUT PERMISSION W/I DEPRIVE
COURT DISP-NON-CONVICTION; DISMISSED
COURT DATE-04/14/2004

CIT-56-1-460-MISDEMEANOR
WARR-27489CR

COURT CHARGE 03-DUS (LICENSE NOT SUSP DUI)-3RD OR MORE
COURT DISP-CONVICTED;GUILTY

JETER, ALONZO COLUMBUS 09/03/2004
SC0110200 GAFFNEY PD
ATN-110000000916
WARR-H004830
CIT-44-53-370(D)(3)-MISDEMEANOR

ARREST CHARGE 01-POSS 28G OR LESS MARIJ OR 10G OR LESS HASH 1ST
OFFENSE DATE-09/03/2004

WARR-H004830
CIT-44-53-445(B)(2)-FELONY

ARREST CHARGE 02-DIST,SELL,ET C,CRACK COCAINE,OR PWID, NR SCHOOL
OFFENSE DATE-09/03/2004

CIT-44-53-375(A)-FELONY
DOC-04GS1100926
WARR-H004830

COURT CHARGE 01-POSS LESS THAN ONE GRAM ICE/CRACK COCAINE 1ST
COURT DISP-CONVICTED;3YRS & 5000 SUSP, CTS 3YRS PROB CC
COURT DATE-10/12/2004
ATN-110000000916

CIT-44-53-370(D)(3)-MISDEMEANOR
WARR-H004830

COURT CHARGE 02-POSS 28G OR LESS MARIJ OR 10G OR LESS HASH 1ST
COURT DISP-CONVICTED;GUILTY
COURT DATE-10/12/2004

SC040015C SC DEPT CORRECTIONS 06/28/2005
CASE-062820
CIT-56-5-2940(2)-MISDEMEANOR

CUSTODY STATUS-RECEIVED
START DATE-06/28/2005

COURT CHARGE 01-DRIVING UNDER THE INFLUENCE - 2ND OFFEN SE
COURT DISP-CONVICTED;5 MOS
COURT DATE-06/28/2005
ATN-500100010619

CIT-44-53-375(A)-FELONY

COURT CHARGE 02-POSS LESS THAN ONE GRAM ICE/CRACK COCAINE 1ST
COURT DISP-CONVICTED;2 YRS CC
COURT DATE-06/28/2005

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

EXHIBIT D - Page 7

CIT-44-53-375(A)-FELONY

COURT CHARGE 03-POSS LESS THAN ONE GRAM ICE/CRACK COCAINE 1ST
COURT DISP-CONVICTED;2 YRS CC
COURT DATE-06/28/2005

JETER, ALONZO COLUMBUS 11/30/2006
SC0110000 CHEROKEE CNTY SO
CASE-20061201
ATN-110000005363
WARR-H854986
CIT-44-53-370(D)(4)-MISDEMEANOR

ARREST CHARGE 01-POSS 28G/LES S MARIJ/10G OR LESS HASH 2ND/SUB
OFFENSE DATE-11/30/2006

CIT-44-53-370(D)(4)-MISDEMEANOR
DOC-R84
WARR-H854986

COURT CHARGE 01-POSS 28G OR LESS MARIJ/10G OR LESS HASH 1ST
COURT DISP-CONVICTED;SENTENCE UNKNOWN
ATN-110000005363

JETER, ALONZO COLUMBUS 05/02/2007
SC0420100 SPARTANBURG PD
CASE-05004707
ATN-422100120160
WARR-84667DY
CIT-56-1-1100-FELONY

ARREST CHARGE 01-HABITUAL TRAFFIC OFFENDER
OFFENSE DATE-05/02/2007
PALM PRINTS AVAILABLE

WARR-84666DY
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 02-DUS (LICENSE NOT SUSP DUI)-3RD OR MORE
OFFENSE DATE-05/02/2007

WARR-84665DY
CIT-56-5-212-MISDEMEANOR

ARREST CHARGE 03-UNLAWFUL TURNING
OFFENSE DATE-05/02/2007

SC042015G SPARTANBURG PPP 06/29/2007 CUSTODY STATUS-PROBATION
CASE-SC0420 START DATE-06/29/2007
END OF PAGE 02 - PAGE 03 TO FOLLOW

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:34
BRANDY W. MCBEE

26

STATE OF SOUTH CAROLINA } IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE } SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III, #282902, Applicant, } Case No. 0190-110457

V } **AFFIDAVIT OF AUTHENTICITY**

State of South Carolina, Respondent. }

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 JUN 19 AM 11:54
BRANDY W. MOSS

I, Alonzo C. Jeter, III, #282902, Applicant, hereby certify that the following record and reports which I hereby submit as Exhibits are in-fact true and correct copies of official records and reports which are filed in the Cherokee County Sheriff's Office, Gaffney Police Department, and the South Carolina Law Enforcement Division. I submit the following records:

1 - 2 **Exhibit A** - Applicant's Criminal History Report from Cherokee County Sheriff's Office Dated January 19, 2018 - Received From Donna Brackett of the Records and Identification Bureau

3 **Exhibit B** - Letter From Barbara Peterson - Administrative Assistant To The Chief Of Gaffney Police Department, Dated January 25, 2018, Providing A Certified Copy Of Applicant's Criminal History Report

4 - 5 **Exhibit C** - Applicant's Criminal History Report From Gaffney Police Department's Records Division, Dated January 16, 2018, Received From Barbara Peterson - Administrative Assistant To The Chief Of Gaffney Police Department

6 - 7 **Exhibit D** - Relevant Portion Of Applicant's State Law Enforcement Division (SLED) Rap Sheet

Note: ***Applicant asks that these records be properly redacted as necessary or sealed before being deemed made public record as he files this application for post-conviction pro se, he is not aware of the proper procedure of redaction of documents when they are proffered for entering in as exhibits with an Affidavit of Authenticity.***

SWORN and Subscribed before me
~~This~~ 14 day of June 2019

Notary Public for South Carolina
My Commission Expires: March 24 2027

S/ _____
Alonzo C. Jeter, III, #282902
APPLICANT / Pro Se

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 14 day of June, 2019

July 31, 2019

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-7-101/#282902
200 Prison Road
Enoree, SC 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State (PCR)
2019-CP-11-0457

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 AUG -2 AM 11:38
BRANDY W. MCBEE

Dear Ms McBee.

Enclosed, please find for filing in the above-stated case, Applicants Exhibits E, F, G, H and I (pages 1-11) along with a Certificate of Service for the same.

Please find also enclosed, an additional copy of these said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo Columbus Jeter, III, #282902,
Applicant,

v

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

APPLICANT'S EXHIBITS
E, F, G, H and I
(pages 1-11)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, SC
2019 AUG -2 AM 11:36
BRANDY MOBLEY

The Applicant, Alonzo C. Jeter, III, #282902, hereby submits the following as Exhibits in this case; (State v Carlson, 363 SC 586, 611 SE2d 283 (2005) - The burden is on the [Applicant] to provide a sufficient record for review. Harkins v Greenville County, 340 SC 606, 533 SE2d 886 (2000) (noting the [Applicant] has the burden of presenting an adequate record on appeal)).

Page	
1	Exhibit E - Motion to Reopen Record Filed May 1, 2017
2	Exhibit F - Envelope of Motion to Reopen Record, bearing Perry Correctional Inst. mail room Received date Stamp of May 8, 2017
3-6	Exhibit G - Transcript of June 30, 2017, hearing on Motion to Reopen Record
7	Exhibit H - Order of Dismissal of case wherein claim was discovered (2016-CP-11-0293)
8-11	Exhibit I - Transcript of July 16, 2015 guilty plea

S/ _____
Alonzo C. Jeter, III, #282902
APPLICANT
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

July 31, 2019

EXHIBIT E - page 1 29

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter III, #282902, Applicant, v. State of South Carolina, Respondent.	2016-CP-11-0293 **MOTION TO REOPEN RECORD AND MEMORANDUM IN SUPPORT OF DENYING POST-CONVICTION RELIEF**

MOTION

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on April 28, 2016. Respondent submitted its Return on November 15, 2016. An evidentiary hearing was convened on March 20, 2017, at the Spartanburg County Courthouse. Applicant was present at the hearing and was represented by Steven D. Epps, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

After the evidentiary hearing, and upon further investigation of Applicant's records, it came to Respondent's attention that Applicant had additional prior convictions that were not known about or discussed at the evidentiary hearing. In order to allow the Court to fully consider all pertinent information and make a fair ruling in the interest of justice, Respondent now moves to reopen the record to submit additional records from the Clerk of Court of Cherokee County. These supplemental records are attached.

[continued on following page]

FILED IN THE OFFICE OF THE CLERK OF COURT
2017 MAY -1 A 9:55
CHEROKEE COUNTY, SC

After 5 Days Return To:
Mrs. Brandy W. McBee
Clerk of Court, Cherokee County
Post Office Drawer 2289
Gaffney, SC 29342

SC 256
03 MAY '17
PM 1 L

FIRST-CLASS MAIL
05/02/2017
$00.46⁹
ZIP 29340
041L11245001

1825

RECEIVED
MAY 08 2017
P.C.I. MAILROOM

Alonzo C. Jeter, III, #282902
Perry Correctional Institution Q1-B-215
430 Oaklawn Rd.
Pelzer, SC 29669

29669-870499

EXHIBIT F - Page 2

EXHIBIT G - page 3

STATE OF SOUTH CAROLINA	
	) COURT OF COMMON PLEAS
COUNTY OF CHEROKEE	) 2016-CP-11-0293
	)
	) ORIGINAL
	)
ALONZO C. JETER, III	)
APPLICANT	)
vs.	) TRANSCRIPT OF RECORD
	)
STATE OF SOUTH CAROLINA	)
RESPONDENT	)

June 30, 2017
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE ROBIN B. STILWELL, Judge.

A P P E A R A N C E S:

STEVEN D. EPPS, ESQ.
Attorney for the Applicant

JULIE COLEMAN, ESQ.
Attorney for the Respondent

APRIL HERRON
Official Court Reporter

EXHIBIT G - page 4

THE COURT: Good morning.

MS. COLEMAN: We are back on the record for another hearing for Alonzo Columbus Jeter, the third, vs. State of South Carolina. Docket number 2016-CP-23-0293. This matter comes before The Court by way of Post-Conviction Relief action that was filed on April 28th, 2016. Respondent submitted its return November 15, 2016. And a evidentiary hearing was convened on March 20th, 2016 here at the Spartanburg County Courthouse before Your Honor. The applicant was present at the hearing and was represented was represented by Mr. Steven Eppes. I was here, Julie Colemen, on behalf of the Attorney General's Office.

After the evidentiary hearing, just by way of procedural history, we did some further investigation into the records that need to be before The Court. And it came to our attention that there was an additional prior conviction that we were not aware of at the first evidentiary hearing. So, we're here today on The State's motion to reopen the record. And I an extra of copy of that if Your Honor would like one.

THE COURT: Yes, ma'am.

MS. COLEMAN: May I approach?

EXHIBIT G - page 5

THE COURT: Yes, ma'am. I presume that Mr. Eppes has seen it?

MS. COLEMAN: Yes. And I have a copy for him as well if he would like it. This is the filed and it was sent a month or two ago.

THE COURT: Okay.

MS. COLEMAN: And, Your Honor, I move to reopen the record. And I've attached to that motion, I've got two prior convictions here. And they are No. 2004-GS-11-925 and 926. And apparently, the history of these convictions is he pled guilty to open these on the same day, on October 12, 2004. But by reviewing the indictments, it appears that there were two separate convictions, two separate events. One occurring on January 30th, 2004. And the other one on September 3rd of 2004. And it resulted in two separate convictions with concurrent sentences.

And, Your Honor, our motion and our argument, based on this record, is that under the statute, these charges were used to properly enhance his 2015 charges that he is challenging now in his PCR application.

THE COURT: Okay. All right. Good enough. Okay, Mr. Epps.

MR. EPPS: Thank you, Your Honor. If my client

EXHIBIT G - page 6

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF GREENVILLE)

I, APRIL P. HERRON, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for Spartanburg County, South Carolina, on the 30th day of June, 2017.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 30, 2017

April P. Herron

APRIL P. HERRON, Court Reporter

34

EXHIBIT H -- Page 7

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter III, #282902, Applicant, v. State of South Carolina, Respondent.	2016-CP-11-0293 **ORDER OF DISMISSAL**

FILED IN THE CLERK'S OFFICE
CHEROKEE COUNTY, S.C.
2017 JUL 27 A 11:11

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on April 28, 2016. Respondent submitted its Return on November 15, 2016. An evidentiary hearing was convened on March 20, 2017, at the Spartanburg County Courthouse. Applicant was present at the hearing and was represented by Steven D. Epps, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, Christopher Kennedy, Esquire ("Plea Counsel") also testified. The Court had before it a copy of the guilty plea transcript, the records of the Cherokee County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings.

Following the evidentiary hearing, Respondent filed a motion to reopen the record to submit additional records from the Cherokee County Clerk of Court. Applicant objected to the motion, and a hearing was held on June 30, 2017, at the Spartanburg County Courthouse. At the hearing, this Court granted the motion and took judicial notice that Applicant had two prior convictions for possession of crack (2004-GS-11-925 and -926). The additional documentation

P13

EXHIBIT I - Page 8

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHEROKEE)

THE STATE)
) TRANSCRIPT OF RECORD
-vs-) 2014-GS-11-00591
) 2015-GS-11-00461
ALONZO JETER, III,,) 2015-GS-11-00462
) 2015-GS-11-00463
DEFENDANT. 2015-GS-11-00464
2015-GS-11-00465
JULY 16, 2015
GAFFNEY, SOUTH CAROLINA

B E F O R E:

THE HONORABLE LEE S. ALFORD, JUDGE.

A P P E A R A N C E S:

CLIFF SAMS, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

CHRIS KENNEDY, ESQUIRE
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

accept it. If not, you may be in a dispute with them down there.

MR. KENNEDY: That sounds good, judge.

THE COURT: All right.

MR. SAMS: Your Honor, may I place on the record --

THE COURT: Yes, sir.

MR. SAMS: -- also just for appellate purposes that Mr. Jeter does have prior convictions for controlled substances that could have given rise to a third, an enhanced third offense, and these have been knocked down to second.

THE COURT: Well, I think -- I'm glad you brought that up. I think you should go ahead and put it on the record what his priors are --

MR. SAMS: Yes, sir.

THE COURT: -- since we are -- these are being handled.

MR. KENNEDY: Yes, sir.

MR. SAMS: Would you like the whole record, or just the enhancing drugs?

THE COURT: I want all the enhancement stuff.

MR. SAMS: Yes, sir.

THE COURT: It's a negotiated sentence. I'm not worried about what his other charges are, but we need to pu

EXHIBIT I - page 10

the offenses to which it would enhance these on him.

MR. SAMS: Yes, sir.

Marijuana, of course, wouldn't enhance it.

However, starting in '05, there was a possession of -- it was either methamphetamine or crack cocaine. There were -- there was one of those in '05.

And '06 -- no, I'm sorry. That's another marijuana itself.

So that was an '05 possession of either meth or crack.

And then a '13 possession of a controlled substance. That was a second offense at that time.

THE COURT: So he's got two either crack or meth?

MR. SAMS: Yes, sir.

THE COURT: Okay.

MR. SAMS: Well, one of them was a controlled substance and one of them was crack or meth. That would run under the statute. Either one would --

THE COURT: I understand, but actually I understood you to say there were two possession of crack or two of those.

MR. SAMS: No, I misspoke. I believe it was one. I had looked at a marijuana charge and thought it was two of the crack or meth.

THE COURT: Okay.

EXHIBIT I - page 11

CERTIFICATE

I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for CHEROKEE County, South Carolina, on the 16th day of July, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 3, 2016

Michael R. Watts

Michael R. Watts
Circuit Court Reporter

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, #282902, Applicant, hereby certify that I have served a copy of Applicant's Exhibits E, F, G, H and I (pages 1-11), upon Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 31st day of July, 2019, for mailing via the United States Mail, addressed as follows: Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

I further certify under the penalty of perjury that the above statement is true and correct.

S/

Alonzo C. Jeter, III, #282902
APPLICANT
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

SWORN and Subscribed before me
this 31 day of July, 2019

Notary Public for South Carolina
My Commission Expires: Dec. 12, 2021

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 AUG -2 AM 11:38
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
	Case No. 2019-CP-11-0457
Alonzo Columbus Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	CITATION OF SUPPLEMENTAL AUTHORITIES (Pursuant to Rule 15, SCRCP)

Applicant provides the following supplemental authorities pursuant to Rule 15, SCRCP, to be added as citations of authorities in support of Applicant's Memorandum In Support Of Application For Post-Conviction Relief which was filed in the office of the Cherokee County Clerk of Court on June 19, 2019. Applicant seeks judicial notice of the following authorities:

1. Rule 8(f), SCRCP - All pleadings shall be so construed as to do substantial justice to all parties.

2. Gordon v Leeke, 574 F2d 1147 (1978) - If it is apparent to the court that pro se litigant has colorable claim but lacks capacity to present it, [this Court] should appoint counsel to assist him.

3. Rule 71.1(d), SCRCP - Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary.

4. California v Trombetta, 467 U.S. 479, 485 (1984) - The Fourteenth Amendment to the United States Constitution guarantees a defendant the right to a fair trial. U.S. Const. Amend. XIV. This has been interpreted by the Supreme Court of the United States

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CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 OCT 28 AM 10:19
BRANDY W. MOBLEY

to "require that criminal defendants be afforded a meaningful opportunity to present a complete defense."

5. Matter of Estate of Smith, 419 SC 111, 796 SE2d 158 (2016) - Since it is a drastic remedy, summary judgment should be cautiously invoked so that no person will be improperly deprived of a trial of the disputed factual issues.

6. Reed v Ross, 468 U.S. 1, 16 (1984) - A claim that "is so novel that its legal basis is not reasonably available to counsel" may constitute cause for a procedural default

7. Mangal v State, 421 SC 85, 805 SE2d 568 (2017) - There are situations where the interests of justice require post-conviction relief (PCR) courts to be flexible with procedural requirements before PCR applicants suffer procedural default on substantial claims. S.C. Code Ann § 17-27-10 et seq.

8. Williams v Ozmint, 380 S.C. 473, 671 SE2d 600 (2008) - Although successive postconviction relief applications are disfavored, they are not prohibited

9. Tudor v Rushton, 2007 WL 4856866 - A hearing was held to determine if laches applied and barred petitioner's PCR action

10. Deleston v South Carolina, 2007 WL 128013 - A hearing was held to determine whether his claims were barred by the statute of limitations and laches for PCR.

11. McElrath v State, 276 S.C. 282, 277 SE2d 890 (1981) - Where appellant did not contend that he was prejudiced by or still suffered from results of 1959 Conviction and

sentence, records showed prior conviction was not listed on appellant's rapsheet and was not mentioned in transcript of his latest conviction and sentence, he lacked standing to seek relief from 1959 convictions on ground that he was an indigent not represented by counsel

12 McElrath v State, 276 S.C. 282, 277 SE2d 890 (1981)- Appellant, who was found guilty in 1959 of escape, robbery and larceny, was barred by laches from seeking post conviction relief on ground that he was indigent and not represented by counsel, where there was an absence of some explanation or just occasion for delay in seeking relief

13 Brown v State, 814 SE2d 146 (2018) - Defendant was not required to demonstrate any collateral consequences to his conviction, even if he had completed serving his sentence, in order to proceed with his claim seeking post conviction relief; the Post-Conviction Relief Act contained no "in custody" requirement.

14 Boan v State, 388 S.C. 272, 695 SE2d 850 (2010)- Defense counsel's failure to make a motion for clarification of sentence was ineffective assistance

15. Boan v State, 388 S.C. 272, 695 SE2d 850 (2010) - Due process requires that the judge's oral pronouncement of sentence control over a conflicting written sentencing order

16 State v Miller, 375 SC 370, 652 SE2d 444 (2007) - The fact that a plea agreement was oral does not prevent possible enforcement.

17. United States v Tate, 845 F3d 571, 575 (4th Cir. 2017) - Plea agreements are grounded in contract law, and both parties to a plea agreement should receive the benefit of their bargain

18. U.S. v Jureidini, 846 F2d 964 (4th Cir. 1988) - Regardless of the reasons for the frustration of the bargain, that frustration calls into question the validity of the plea. "When a plea rests ... on a promise or agreement of the prosecutor, so that it can be said to be part of the inducement or consideration, such promise must be fulfilled." Santobello v New York, 404 U.S. 257, 262, 92 Sct 495, 499 (1971)

19. U.S. v Harvey, 791 F2d 294 (1986) - Both constitutional and supervisory concerns require holding the [State] to a greater degree of responsibility than the defendant (or possibly than would be either of the parties to commercial contracts) for imprecisions or ambiguities in plea agreements. See, e.g., United States v Bowler, 585 F2d 851, 854 (7th Cir. 1978)

20. Rodriguez-Penton v United States, 905 F3d 481 (2018) - The right be effective assistance of counsel extends to the plea-bargaining process notwithstanding the fact that defendants have no constitutional right to a plea offer

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / Prose

This 2nd day of October, 2019
at Enoree, South Carolina

Alonzo C. Jeter, III
Tyger River Correctional Institution
U-7-101-/#282902
200 Prison Road
Enoree, SC 29335

October 21, 2019

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing in the above stated case, the REQUEST FOR ADMISSION GENUINENESS OF DOCUMENTS, and CITATION OF SUPPLEMENTAL AUTHORITIES along with a Certificate of Service for the same.

Please find also enclosed, an additional copy of these said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

CC: Alan Wilson, Esquire
FILE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 OCT 28 AM 10:19
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

45

I, Alonzo C. Jeter, III, hereby certify that I have served the REQUEST FOR ADMISSION GENUINENESS OF DOCUMENTS, and CITATION OF SUPPLEMENTAL AUTHORITIES upon Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 24 day of October, 2019, for mailing via the United States Mail, addressed as follows: Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

I further certify under the penalty of perjury that the above statement is true and correct.

SWORN and Subscribed before me
this 24 day of October, 2019

Notary Public for South Carolina
My Commission Expires: March 24, 2027

S/
Alonzo C. Jeter, III
APPLICANT / Prose

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2019 OCT 28 AM 10: 19
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 REQUEST FOR ADMISSION GENUINENESS OF DOCUMENTS

46

The Petitioner hereby submits the following request for admissions. The Respondent is respectfully requested to admit the genuineness of the following described documents which were provided as the Exhibits, filed on June 19, 2019, specifically:

1. Exhibit A - Applicant's Criminal History Report from Cherokee County Sheriff's Office, dated January 19, 2018 - Received From Donna Brackett of the Records and Identification Bureau

2. Exhibit B - Letter From Barbara Peterson - Administrative Assistant To The Chief Of Gaffney Police Department, dated January 25, 2018, Providing a Certified Copy Of Applicant's Criminal History Report

3. Exhibit C - Applicant's Criminal History Report From Gaffney Police Department's Records Division, dated January 16, 2018, Received From Barbara Peterson - Administrative Assistant To The Chief Of Gaffney Police Department

4. Exhibit D - Relevant Portion Of Applicant's State Law Enforcement Division (SLED) Rap Sheet

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC
2019 OCT 28 AM 10:
BRANDY W. MCBEE

Please file and serve a written response to this request within thirty (30) days following service. Your response to each matter may be in the form of an admission, a specific denial, an objection (with reasons clearly stated), or a statement

that the matter cannot be admitted or denied. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and the information known or readily available to you was insufficient to enable you to admit or deny.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/Prose
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 21st day of October, 2019
at Enoree, South Carolina

April 29, 2020

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 MAY -5 PM 2:03
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing Exhibit J, Exhibit K (Pages 1-21), and a Certificate of Service for the same.

Please find also, enclosed, an additional copy of these said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 APPLICANT'S EXHIBITS J & K (Pages 1-21)

The Applicant, Alonzo C. Jeter, III, #282902, hereby submits the following as Exhibits in this case; (State v Carleson, 363 S.C. 586, 611 SE2d 283 (2005) - The burden is on the [Applicant] to provide a sufficient record for review. Harkins v Greenville County, 340 S.C. 606, 533 SE2d 886 (2000) (noting the [Applicant] has the burden of presenting an adequate record on appeal)):

Page

1 Exhibit J - Report and Recommendation of U.S. Magistrate (MGB), Mary Gorden Baker dated January 14, 2020

19 Exhibit K - Order adopting the Report and Recommendation, US District Judge (MGL), Mary Geiger Lewis, March 5, 2020

S/

Alonzo C. Jeter, III, #282902
APPLICANT
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

April 29, 2020

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2020 MAY -5 PM 2:03
BRADY W. COBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, Applicant, V State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2020 MAY -5 P 2:03
BRANDY HARBIN

I, Alonzo C. Jeter, III, #282902, Applicant, hereby certify that I have served a copy of Applicant's Exhibits J & K (Pages 1-21), on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 29 day of April, 2020, for mailing via the United States Mail, addressed as follows: Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

I further certify under the penalty of perjury that the above statement is true and correct.

SWORN and Subscribed before me
this 30 day of April, 2020

Notary Public for South Carolina
My Commission Expires: 06/6/2021

S/
Alonzo C. Jeter, III, #282902
APPLICANT
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

Alonzo C. Jeter, III, #282902 51
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

June 29, 2020

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-0457

Dear Mrs. McBee:

Enclosed for filing, please find the Motion for Appointment of Counsel and Affidavit In Support, along with a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me, by way of the enclosed SASE, file-stamped copies of these documents.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 JUL -1 AM 11:15
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo Columbus Jeter, III #282902, APPLICANT, V State of South Carolina, RESPONDENT.	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT 52 Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Appointment of Counsel and Affidavit In support; on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 29 day of June, 2020, for mailing via the United States Mail, addressed as follows: Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

SWORN and Subscribed before me
this 29th day of JUNE, 2020

Notary Public for South Carolina
My Commission Expires: Oct. 16 202X

s/
Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 JUL -1 AM 11:19
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT 53
Alonzo Columbus Jeter, III #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR APPOINTMENT OF COUNSEL AND AFFIDAVIT IN SUPPORT RULE 608(g)(1), SCACR RULE 71.1(d), SCRCP

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2020 JUL -1 PM 1:20
BRANDY K. MCBEE

MOTION FOR APPOINTMENT OF COUNSEL

Applicant, Alonzo C. Jeter, III, hereby respectfully motion this Honorable Court for appointment of counsel whom would serve to assist Applicant in advancing his claims and pursuit of this post-conviction relief action. See Rule 71.1(d), SCRCP; Rule 608(g)(1), SCACR

Applicant would emphasize to this Court that appointment of counsel is equitable due to the complexity of this case, the procedural irregularities which exists, and Applicant's lack of capacity to pursue this action without assistance of counsel. See also Gary v State, 347 SC 627, 557 SE2d 662 (2001)

Applicant would also emphasize the difficulties experienced as Applicant is a prisoner confined within the South Carolina Department of Corrections. While simply being a prisoner may not rise to the bar of extraordinary circumstances in itself, the conditions which Applicant endures would as they create barriers to meaningful access to the Courts. These such barriers include, but are not limited to, the terrible shortage of staff at the institution, the COVID-19 pandemic which greatly limits and prevents movement at the institution, South Carolina Department of Corrections' policies

such as GA-01.03 with regard to photocopying of litigation pleadings of inmates, costs of photocopying, and inability to check out legal reference books from the institution's law library or to print statutes or case law; such barriers which create undue hardship for prose litigants. Applicant is also indigent.

WHEREFORE, Applicant prays this Court will appoint counsel of representation in this case in the interest of equity and Justice. Applicant emphsizes, for the reasons set forth within this herein motion, the Memorandum In Support of Application for Post-Conviction Relief which Applicant filed with this Court on June 19, 2019, the Citation of Supplemental Authorities which Applicant filed with this Court on October 28, 2019; the explanations and reasonings contained within all of these filings should be incorperated by reference into this motion and considered by this Honorable Court in its ruling on this motion.

AFFIDAVIT IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL

Applicant, Alonzo C. Jeter, III, #282902, hereby submits the following in suppert of his Motion for Appointment of Counsel:

1). I am the Applicant in this action.

2) I believe that I am entitled to redress.

3) I am unable to afford counsel of representation in this action.

I, Alonzo C. Jeter, III, #282902, Applicant, hereby further certify that the above statement is true and correct.

S/ _____
Alonzo C. Jeter, III

CONCLUSION

WHEREFORE, Applicant prays the Court will appoint counsel in this case in the interest of equity and Justice.

Respectfully submitted,

Alonzo C. Jeter, III #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 2 day of June, 2020.

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

56

July 29, 2020

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-41-0457

Dear Mrs. McBee:

Enclosed for filing, please find the MEMORANDUM IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL; along with a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me, by way of the enclosed SASE, file-stamped copies of these documents.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 AUG -3 AM 9:08
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #288902, APPLICANT, v State of South Carolina, RESPONDENT,	Case No. 2019-CP-11-0457 57 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the MEMORANDUM IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL; on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 29th day of July, 2020, for mailing via the United States Mail, addressed as follows: Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

SWORN and Subscribed before me
this 29th day of July, 2020

David E. Berry
Notary Public for South Carolina
My Commission Expires: 1/31/30

s/
Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 AUG -3 AM 9:08
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III,
#282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

MEMORANDUM IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2020 AUG -3 AM 9:08
RANDY W. MCBEE

Applicant, Alonzo C. Jeter, III, hereby submits Memorandum In Support of the Motion For Appointment of Counsel which was filed with this Honorable Clerk on July 1, 2020. Applicant respectfully asks this Court to appoint counsel of representation in this case sub Judice whom would serve to assist Applicant in advancing his claims and pursuit of this action for post-conviction relief.

Applicant emphasizes that appointment of counsel is equitable due to the complexity of this case, the procedural irregularities which exists, and Applicant's lack of capacity to pursue this action without assistance of co-counsel or counsel of representation due to the extreme difficulties, uncertain and unprecedented times due to the COVID-19 pandemic, and due to the hardships faced as an inmate attempts to litigate such complex cases while confined within the South Carolina Department of Corrections.

Odom v State, 337 SC 256, 261, 523 SE2d 753, 755 (1999); Rule 71.1(d), SCRCP, - Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary. See also Harris v State, 2018 WL 1080653

The South Carolina Supreme Court has recognized, "The United States Constitution's Sixth Amendment guarantee to

a defendant's right to effective assistance of counsel is engrained in PCR cases. . . ." Fishburne v State, Appellate Case No. 2016-002385, Opinion No. 27911 (July 31, 2019). See Robertson v State, 418 SC 505, 513, 795 SE2d 29, 33 (2016) ("The South Carolina Legislature enacted the Uniform Post-Conviction Procedure Act to govern all aspects of PCR. . . .") It is this statutory scheme that affords the right to counsel in PCR, not the Constitution. See Turner v State, 384 SC 451, 682 SE2d 792 (2009) ("[T]he right to PCR Counsel arises from Rule 71.1, SCRCP, and not from the constitution.") See Turner, id., ("[T]he right to counsel may arise pursuant to the Due Process Clause under the Fifth and Fourteenth Amendments.

See Mangal v State, 421 SC at 99, 805 SE2d at 575 - (providing "the Sixth Amendment guarantee of effective assistance of counsel is a 'bedrock principle in our justice system'") (quoting Martinez v Ryan, 566 US 1, 12, 132 Sct 1309 (2012)); Strickland v Washington, 466 US 668, 684, 104 Sct 2052 (1984) (recognizing "the Sixth Amendment right to counsel exists, and is needed, in order to protect the fundamental right to a fair trial"); Johnson v Zerbst, 304 US 458, 462, 58 Sct 1019 (1938) ("The Sixth Amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not 'still be done'").

CONCLUSION

WHEREFORE, for these reasons stated herein and reasons which are stated within Applicant's Motion For Appointment

Of Counsel, Applicant prays this Court will appoint 60 Counsel or co-counsel in this case, which ever may be proper and Just, in the interest of equity and Justice.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/pro se

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

This 29th day of July, 2020.

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

October 13, 2020

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-0457

Dear Mrs. McBee:

Will you please inform me as to the status of my PCR case cited above.

Please also provide me the mailing address and other contact information of the Chief Administrative Judge for Common Pleas and his Clerk's Office.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: FILE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 OCT 16 AM 10:19
BRANDY W. MCBEE

October 19, 2020

Alonzo C. Jeter, III, #282902 62
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
~~Post Office Drawer 2289~~
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-0457

Dear Mrs. McBee:

Enclosed for filing, please find the APPLICANT'S EXHIBIT L, AFFIDAVIT OF AUTHENTICITY, and REQUEST FOR ADMISSION OF GENUINESS OF DOCUMENTS; along with a Certificate of Service for the same.

Please find also, enclosed, one (1) additional copy of these said document along with a self-addressed stamped envelope. Please return to me, file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

CC: Alan Wilson, Esquire
FILE

FILED IN THE OFFICE
CLERK OF COURT
2020 OCT 22 A 11:05
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo Columbus Jeter, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the APPLICANT'S EXHIBIT L, AFFIDAVIT OF AUTHENTICITY, and REQUEST FOR ADMISSION OF GENUINESS OF DOCUMENTS; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 19th day of October, 2020, for mailing via the United States Mail, addressed as follows:

Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

SWORN and Subscribed before me
this 19th day of October, 2020

Notary Public for South Carolina
My Commission Expires: 1-31-30

S/
Alonzo C. Jeter, III
APPLICANT/pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

FILED IN THE OFFICE
CLERK OF COURT
2020 OCT 22 A 11:05
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

S.C. Code Ann. § 26-1-10 et seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 AFFIDAVIT OF AUTHENTICITY

I, Alonzo C. Jeter, III, #282902, Applicant, hereby certify that the following documents/report, which are submitted as Exhibit L (4 page document) in this case, are in-fact true and correct copies of the official documents/report of the South Carolina Department Of Corrections. This documents/report is as follows:

- Exhibit L - The South Carolina Department Of Corrections' Classification Summary Report for Alonzo C. Jeter, III, Inmate Number 282902, dated July 17, 2017.

I further certify that the above statement is both true and correct.

Respectfully submitted,

This 19th day of October, 2020.

Alonzo C. Jeter, III
APPLICANT/pro se
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
this 19th day of October, 2020

Notary Public for South Carolina
My Commission Expires: 1-31-30

S.C. Code Ann. § 26-1-10 et seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

FILED IN THE OFFICE
CLERK OF COURT
2020 OCT 22 A 11:05
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, #282902, APPLICANT,	Case No. 2019-CP-11-0457
v	APPLICANT'S EXHIBIT L (4 Page Document)
State of South Carolina, RESPONDENT.	S.C. Code Ann. §17-27-40, 50 et seq.

65

The Applicant, Alonzo C. Jeter, III, #282902, hereby submits the following as Exhibit L in this case:

Page

1- Exhibit L - The South Carolina Department of Correction's Classification Summary Report for Alonzo C. Jeter, III, Inmate Number 282902, dated July 17, 2017.

State v Carleson, 363 S.C. 586, 611 SE2d 283 (2005) - The burden is on the [Applicant] to provide a sufficient record for review.

Harkins v Greenville County, 340 S.C. 606, 533 SE2d 886 (2000) (noting the [Applicant] has the burden of presenting an adequate record on appeal)

See also S.C. Code Ann. §17-27-40, 50 et seq.

Respectfully submitted,

Alonzo C. Jeter, III, #282902
APPLICANT/pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 19th day of October, 2020.

FILED IN THE OFFICE
CLERK OF COURT
2020 OCT 22 A 11:05
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Exhibit L pg-1 66

South Carolina Department of Corrections

Classification Summary Reports

Date: Monday, July 17, 2017

Classification Summary Reports

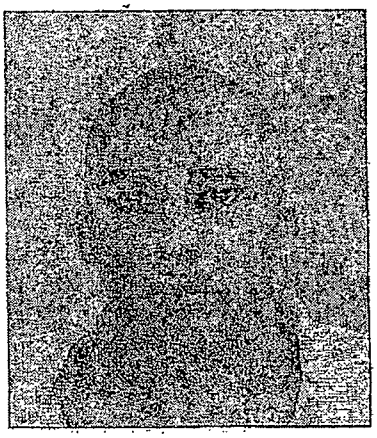
Inmate Number 282902 Submit

Classification Summary Report for JETER III, ALONZO COLUMBUS :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 07/17/2017

SCDC# 00282902 JETER III, ALONZO COLUMBUS FBI# 693754XA2



OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: PERRY

SECURITY/CUST: 3 MININMUM IN

CURR INCARC SENT: 15 YRS 0 MOS 0 DAYS

VICTIM WITNESS: [redacted] SEPREQ:N

MED CLASS [redacted]

INST RESTRICT: OUTPATIENT MENTAL HEALTH

MENTAL CLASS: MH-4 (OUTPATIENT)

CURRENT PROGRAM: NO CURRENT PROGRAM

SEX REGISTRY: N

DNA: C

AGE: 39

RESIDENT STABILITY: NA

DORMROOMBUNK_CODE: Q1B 0215 T

PROJ MAXOUT DATE: 12/26/2027

PROJ PAROLE DATE: -

EWC JOB: LIBRARY HELPER

ASSIGNMENT: LIBRARY

EWC LEVEL: 2F5 EEC LEVEL:-

EDUC PGM: NO CURR EDUC PROGRAM

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	SENTENCE V/NV	CAT	INDICT
TRAFFICK METH 10-28GR 2	15	0	0	CHEROKEE	03/31/2015	V	4	15GS11-00465
DIS/SELL/PUR CONT SUB SCH	10	0	0	CHEROKEE	03/31/2015	N	3	15GS11-00464
DIST., ETC METH. 2ND	15	0	0	CHEROKEE	03/31/2015	V	4	15GS11-00463
DIS/SELL/PUR CONT SUB SCH	10	0	0	CHEROKEE	03/31/2015	N	3	

Exhibit L pg. 2 67

								15GS11-00462
DIST., ETC METH. 2ND	15	0	0	CHEROKEE	03/31/2015	N	4	15GS11-00461

	SENTENCE					SENTENCE		
COMPLETED OFFENSES	YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
HABITUAL TRAFFIC OFFENDER	1	0	0	CHEROKEE	04/27/2008	N	2	08GS11387
CRACK POSSESS	2	0	0	CHEROKEE	06/14/2005	N	2	04GS11-926
DRIVING INFLUENCE LIQUOR	0	5	0	CHEROKEE	06/14/2005	N	2	03GS11-397
FAIL TO STOP FOR OFFICER	1	0	0	CHEROKEE	02/23/2002	N	2	01GS11283

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

03/08/2006	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

06/30/2017	PERRY	INCARCERATED	RETURN FROM COURT
06/30/2017	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
06/19/2017	PERRY	INCARCERATED	ADMINISTRATIVE
06/19/2017	KIRKLAND	INCARCERATED	MEDICAL
03/20/2017	PERRY	INCARCERATED	RETURN FROM COURT
03/20/2017	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
10/03/2016	PERRY	INCARCERATED	ADMINISTRATIVE
10/03/2016	KIRKLAND	INCARCERATED	MEDICAL
08/04/2016	PERRY	INCARCERATED	ADMINISTRATIVE
08/04/2016	KIRKLAND	INCARCERATED	MEDICAL
03/07/2016	PERRY	INCARCERATED	ADMINISTRATIVE
03/07/2016	KIRKLAND	INCARCERATED	MEDICAL
12/21/2015	PERRY	INCARCERATED	ADMINISTRATIVE
12/21/2015	KIRKLAND	INCARCERATED	MEDICAL
12/07/2015	PERRY	INCARCERATED	ADMINISTRATIVE
12/07/2015	KIRKLAND	INCARCERATED	MEDICAL

Exhibit L pg. 3 68

10/01/2015	PERRY	INCARCERATED	ADMINISTRATIVE
10/01/2015	KIRKLAND	INCARCERATED	MEDICAL
09/09/2015	PERRY	INCARCERATED	ADMINISTRATIVE
07/22/2015	KIRKLAND	INCARCERATED	NEW ADMISSION
11/13/2010	UNK	RELEASE	PROB/CS/EPA COMPLETE
10/31/2008	CHEROKEE CO	PROBATION	RELEASED TO PROBATION
10/02/2008	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
08/19/2008	KIRKLAND	INCARCERATED	R&E PROCESSING
08/19/2008	PERRY	INCARCERATED	NEW ADMISSION
06/30/2006	UNK	RELEASE	EXPIRATION OF SENTENCE
06/28/2005	KIRKLAND	INCARCERATED	R&E PROCESSING
06/28/2005	PERRY	INCARCERATED	NEW ADMISSION
09/05/2002	UNK	RELEASE	EXPIRATION OF SENTENCE
06/07/2002	TRENTON	INCARCERATED	ADMINISTRATIVE
06/07/2002	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
04/10/2002	TRENTON	INCARCERATED	ADMINISTRATIVE
03/27/2002	KIRKLAND	INCARCERATED	R&E PROCESSING
03/27/2002	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
LIBRARY HELPER	12/01/2016	-		2F5
RECREATION AIDE	05/16/2016	11/30/2016	LATERAL TRANSFER	2F5
RECREATION AIDE	09/10/2015	05/15/2016	LATERAL TRANSFER	2P5
STOP PROGRAM	10/08/2008	10/31/2008	RELEASED/PAROLED	2F5
CHAPLAIN ASSISTANT	08/04/2005	06/30/2006	RELEASED/PAROLED	2F5
LIBRARIAN/BOOKMOBILE OPER	04/20/2002	09/05/2002	RELEASED/PAROLED	2F5
TEACHER AIDE	04/19/2002	04/19/2002	INMATE REQUEST	2F5
TEACHER AIDE	04/12/2002	04/18/2002	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

NO SCHOOL ASSIGNMENTS

********** END OF REPORT **********

Create PDF

Source : SummaryReport.jsp

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[Version: *1.4.12* Built: *02/03/2015 11:57:23 AM* Time: *11:49:31 AM*]

11:43:55 Monday, July 17, 2017

69

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 07/17/17
OMCOMITA RELEASE DATE SCREEN C056427
SCDC# > 282902 LOC: PERRY
JETER III, ALONZO COLUMBUS SCDC CLASSIFICATION..: VIOLENT
OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY..: N
SEXUAL PREDATOR..: NOT APP
DNA STATUS.....: COMPLETED
GPS REQUIREMENT..: N
PREA DECISION....:
PREA VICTIM.....: HIGH VULNERABLE PREA PERP..: NONE
CURRENT SENTENCE: 015-00-000 CONSECUTIVE SENTENCE ..: N
015-00-000 CURRENT SENT START DATE: 03/31/2015
PROJECTED COMPLETION DATES
MAXOUT DATE .....: 12/26/2027 CURRENT EWC .: 2 F 5
YOA SIX YEAR DATE: / / CURRENT EEC .: NOT CURRENTLY EARNING EEC
INITIAL PAROLE DATE: 00/00/0000 NEXT PAROLE HEARING DATE: 00/00/0000

TOTAL GT DAYS EARNED .....: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
TOTAL EARNED WORK CREDITS ..: 000295 LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS ....: 000000 CATEGORY 4 OR 5 OFFENSE
TOTAL EXTRA EARNED CREDITS .: 000 SUPERVISED REENTRY DATE..: 00/00/00
TOTAL SERVICE TIME EARNED ..: 000827 ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

Exhibit L pg. 4

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

October 19, 2020

Alan Wilson, Esquire
Attorney General of South Carolina
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

FILED IN THE OFFICE
CLERK OF COURT
2020 OCT 22 A 11:05
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State
Case No. 2019-CP-11-0457 (PCR)

NOTICE: REQUEST FOR ADMISSION OF GENUINESS OF DOCUMENTS

Dear Mr. Wilson,

I, by way of this letter, am respectfully requesting your admission as to the genuineness/authenticity of the following described documents which are submitted as Exhibit L and filed with the Cherokee County Clerk of Court's office on October 19, 2020.

These documents which are submitted as Exhibit L

1. The South Carolina Department of Corrections' Classification Summary Report for Alonzo C. Jeter, III, Inmate Number 282902, dated July 17, 2017 (4 page document).

Sir, please file and serve a written response to this request within thirty (30) days following service. Your response to this matter may be in the form of an admission, a specific denial, an obdection (with reasons clearly stated) or a

statement that the matter cannot be admitted or denied. You may not give lack of information or knowledge as a reason for failure to admit or deny unless you state that you have made reasonable inquiry and the information known or readily available to you was insufficient to enable you to admit or deny.

Thank you for your cooperation in this matter.

Respectfully,

Alonzo C. Jeter, III
APPLICANT/pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 19th day of October, 2020.

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

November 16, 2020

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN THE OFFICE
CLERK OF COURT
2020 NOV 20 A 10:52
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Supplemental Memorandum In Support of Application For Post-Conviction Relief, Motion FOR Hearing; and a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me by way of the provided SASE, file-stamped copies of these documents.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

FILED IN THE OFFICE
CLERK OF COURT
2020 NOV 23 AM 10:59
BRANDY W. McBEE
CHEROKEE COUNTY, S.C.

I, Alonzo C. Jeter, III, hereby certify that I have served the Supplemental Memorandum In Support Of Application For Post-Conviction Relief, and Motion For Hearing, on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 17th day of November, 2020, for mailing via the United States Mail, addressed as follows: Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

Sworn and Subscribed before me
this 17th day of Nov., 2020

Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

s/
Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
7200 Prison Road
Enoree, South Carolina 29335

S.C. Code Ann. § 26-1-10 et seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 SUPPLEMENTAL MEMORANDUM IN SUPPORT OF APPLICATION FOR POST-CONVICTION RELIEF

Applicant, Alonzo Columbus Jeter, III, hereby submits as follows with intent to supplement the memorandum in support of Application for post-conviction relief, filed in this case on June 19, 2019. Specifically, Applicant seeks to provide this Court ample reason with supporting authority cited which would support Applicant's desire that he be provided a hearing on the issues presented before this Court in attempt to advance this action.

As Applicant has clearly stated in his previous filings, he files this Application For Post-Conviction Relief under the discovery rule (S.C. Code Ann. §17-27-45(C)) which exists in the Uniform Post-Conviction Procedure Act (S.C. Code Ann. §17-27-10).

FILED IN THE OFFICE OF CLERK OF COURT
2020 NOV 20 A 10:52
BRENDA W. MCBEE
CHEROKEE COUNTY, SC

LACHES

This Application would not be barred by the defense of laches. See Whitehead v State, 352 SC 215, 574 SE2d 200 (2002) - Laches is an equitable doctrine which arises upon the failure to assert a known right.

Applicant seeks understanding of this Court and acknowledg

that laches, as used as a defense, would certainly be repugnant to the discovery rule. The discovery rule would not serve any purpose and would rather be surplusage if laches would prevail as a defense to the discovery rule. See also Brazell v State, 294 SE2d 343 (1982).

As it would be unconscienciable to do so, the discovery rule rightfully does not include a specific time line for the discovery. Rather, in wisdom of the South Carolina Legislature, the timeliness of discovery is determined by, 1) When the facts could have been ascertained by the exercise of reasonable diligence; and 2) within one year after the date of actual discovery of the facts by the applicant. S.C. Code Ann. §17-27-45 (C). Applicant did and does meet both prongs in this case sub judice. See Brazell, (Time does not determine laches). See also Creighton v State, 2016 WL 3511866; Lanier v Lanier, 612 SE2d 456 (2005)

SUCCESSIVENESS

Applicant filed a prior PCR on June 19, 2017, filed with this Court wherein he attempted to raise the same claim which he raises in the current Application. This prior PCR case was filed under docket number 2017-CP-11-0486. This Application was ultimately dismissed by this Court and also dismissed by the South Carolina Supreme Court as Petition for Writ of Certiorari and Rule 243(C) Explanation was not determined to be reasonable by that Court.

Applicant brings this ineffective assistance of counsel issue

back before this Court and attempts to do so with clarity and specificity. Notwithstanding the fact this Court dismissed Applicant's prior Application with prejudice, this Court failed to consider Applicant's amendment to his prior PCR Application, his thorough explanations which were contained within Applicant's Objections and responses to the Conditional Order of Dismissal, and consequently did not make specific findings based on facts, findings and conclusions of law regarding the procedural defaults nor the merits.

See Wilson v State, 348 SC 215, 559 SE2d 581 (2002) - A defendant has the procedural right to one fair bite at the apple; Ramirez v State, 413 SC 351, 776 SE2d 101 (2015) - (Additionally, our supreme court has held that in rare circumstances, "when the system has simply failed a defendant and where to continue the defendant's imprisonment without review would amount to a gross miscarriage of justice," a PCR applicant may be entitled to file a successive PCR application); Odom v State, 337 SC 256, 523 SE2d 753 (1999) - Under the postconviction relief rules, an applicant is entitled to a full adjudication on the merits of the original petition, or "one bite at the apple"; this "bite" includes an applicant's right to appeal the denial of a postconviction relief application, and the right to assistance of counsel in that appeal.

Applicant submits, however, this Application is not a successive Application, as the merits were never ruled on in this case nor was there any ruling based on facts, findings and conclusions of law made by this Court regarding the procedural determination of the Application. See also, arguendo, Case v State, 289 SE2d 413 (1982) See Odom , - A successive postconviction relief application is one that raises grounds not raised in a prior application, raises grounds previously heard and determined, or raises grounds waived in prior proceedings.

Therefore, it should be clear that this Application does not meet the standard whereby it would be determined to be "successive". See also, arguendo, Washington v State, 478 SE2d 833 (1996); Matthews v Evatt, 105 F3d 907 (1997)

CONCLUSION

WHEREFORE, for these reasons Applicant prays this Court will grant an evidentiary hearing whereby he would be allowed to present the issues and facts of this case squarely before this Court for adjudication on the merits based of facts, findings and conclusions of law.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prisen Road
Enoree, South Carolina 29335

This 16th day of November, 2020.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 MOTION FOR HEARING

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FILED IN THE OFFICE OF THE CLERK OF COURT
2020 NOV 20 A 10: 52
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Applicant, Alonzo Columbus Jeter, III, hereby respectfully motions this Court for a hearing in this case. In support of this motion Applicant submits as follows:

Applicant raises an issue and questions which are genuine issues of material fact and therefore a hearing is required whereby these issues and facts can be resolved, credibility passed upon, and the issues and facts may develop a sufficient record which would include testimony of the adversary.

The rule in this state is that where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel, which allegations are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by a hearing in the lower court. Roger v State, 261 SC 288, 199 SE2d 761 (1973); Chambers v State, 262 SC 202, 203 SE2d 426 (1974); Coardes v State, 262 SC 493, 206 SE2d 264 (1974); Delaney v State, 269 SC 555, 238 SE2d 679 (1977).

Importantly, Applicant will show that the above concerns

this Court convening a hearing which would resolve questions of fact with regard to the merits in the case.

However, and more importantly, as the issues of laches, successiveness, timeliness, statute of limitations, and discovery, are certain to arise as Applicant anticipates the Respondent will assert such defenses; Applicant shows the Court that if such defenses are asserted in attempt to procedural bar Applicant from receiving adjudication on the merits of this case, a hearing on those defenses would be required so as to allow those facts and genuine issues of material fact to be adjudicated upon by this Court based on facts, findings and conclusions of law and allowing the record to consist of testimony which has been solicited as this Court passes upon the credibility of the parties.

See also McCoy v State, 401 SC 363, 737 SE2d 623 (2013) - Where postconviction applicant alleges facts that would establish an exception to either the statute of limitations or the prohibition against successive applications and those facts are not conclusively refuted by the record before the trial court, a question of fact is raised which can only be resolved by a hearing. See also e.g. Sanders v U.S., No. 0:06-3175-MGS-BM, 2008 WL 413666 (D.S.C 1994); Deleston v

South Carolina, No. 6:06-331-OCN-WMC (DSC 2007); 80
Gamble v State, 298 SC 176, 379 SE2d 118 (1989)

Applicant brings before this Court facts which are material and issues of material fact which are genuine, which would satisfy the requirement of hearings on both procedural and merit in this case.

Spriggs v Diamond Auto Glass, 242 F3d 179, 183 (4th Cir. 2001) - A fact is deemed "material" if it "might affect the outcome of the suit under the governing law"; Anderson v Liberty Lobby, Inc., 477 U.S. 242, 257 (1986) - An issue of material fact is "genuine" if the evidence offered is such that a reasonable jury might return a verdict for the non-movant.

CONCLUSION

WHEREFORE, Applicant prays this Court grant a hearing on the matters, issues, and facts of this case for equitable adjudication on the merits of the same.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 16th day of November, 2020.

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ALAN WILSON
ATTORNEY GENERAL

December 2, 2020

The Honorable Brandy W. McBee
Clerk of Court, Cherokee County
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

Re: **Alonzo C. Jeter, III, #282902 v. State of South Carolina**
2029-CP-11-0457

Dear Ms. Cox:

Enclosed please find the original **Return and Motion to Dismiss** of the Respondent, with its accompanying attachments, in the above-captioned case, for filing in your office.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/ec
Enclosure

cc: The Honorable J. Mark Hayes, II, Chief Administrative Judge
Alonzo C. Jeter, III, #282902

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE ALONZO C. JETER, #292902 Applicant, vs STATE OF SOUTH CAROLINA, Respondent,	IN THE COURT OF COMMON PLEAS 2019-CP-11-0457 CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the **Return and Motion to Dismiss** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Alonzo C. Jeter, III, #282902
Dorm-Room-Bunk: U9-0202-B
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

DATED this 2nd Day of December, 2020.

Eva D. Cook, Legal Assistant For Respondent

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, Applicant, v. State of South Carolina, Respondent.	Case No.: 2019-CP-11-0457 **RETURN AND MOTION TO DISMISS**

NOW COMES Respondent, making its return and moving to dismiss the post-conviction relief (hereafter "PCR") application filed on June 19, 2019, by Alonzo C. Jeter, III (hereafter "Applicant"). Respondent respectfully offers the following in support of its return:

I. Procedural History[1]

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. In September 2004, the Cherokee County Grand Jury indicted Applicant for two counts of possession of crack cocaine (2004-GS-11-925 and -926). Don Thompson, Esquire represented Applicant. On October 12, 2004, Applicant pled guilty as charged before the Honorable Roger L. Couch. Judge Couch sentenced Applicant to three years' imprisonment for each charge, sentences running concurrently, suspended upon the service of time served and three years' probation. Applicant did not appeal his conviction or sentence.

[1] Applicant pursued several other actions pursuant to unrelated underlying convictions. Applicant pursued a PCR action out of Spartanburg County (2012-CP-42-0516) which was dismissed by written order clocked April 29, 2013. Thereafter, Applicant pursued another PCR action out of Cherokee County (2016-CP-11-293), which was dismissed by written order on July 27, 2017 and the motion for reconsideration denied on August 16, 2017. The 2016 PCR action was appealed on August 28, 2017, and remains pending.

First PCR Action: (2017-CP-11-0486)

Applicant subsequently filed his first PCR application on June 19, 2017, alleging:

1. "Breach of agreement between attorney, solicitor, and myself."
    a. "My offenses [were] to merge as only a 1st offense."

Respondent made its return and motion to dismiss on December 1, 2017, requesting the case be summarily dismissed for untimeliness, failure to state a claim, and as barred by the doctrine of *laches*. On December 7, 2017, the Honorable J. Derham Cole, circuit court judge, issued the conditional order of dismissal. Applicant's objection to the conditional order of dismissal was filed on December 27, 2017. The Honorable R. Keith Kelly issued the final order of dismissal, summarily dismissing the case for untimeliness, failure to state a claim, and as barred by the doctrine of *laches*.

Applicant filed a *pro se* notice of appeal, date August 6, 2018. Applicant was requested to file a 243(c) explanation for the appeal by written letter from the Supreme Court of South Carolina dated August 10, 2018. Applicant filed his Rule 243(c) explanation on August 16, 2018. The Supreme Court of South Carolina dismissed the matter by written order dated January 11, 2019, for failure to show that there is an arguable basis for asserting that the determination by the lower court was improper. The remittitur was issued on January 29, 2019.

First Habeas Corpus Action: (2:19-cv-01945-MGL-MGB)

Applicant filed a *pro se* petition for writ of habeas corpus under 28 United States Code Section 2254 on July 16, 2019. Applicant set forth the following grounds for relief:

1. "Ineffective assistance of counsel – Sixth Amendment. Plea Counsel failed to ensure that the agreement and understanding of the terms of the plea were written on the sentencing sheet. Plea Counsel failed to make a motion for clarification of the sentence structure ensuring that the sentencing sheets reflected the agreement and understanding that my plea a[] conviction would merge and be considered one 1st offense conviction for enhancement purposes."
2. "Due Process Violation – The PCR Court and the South Carolina Supreme Court

violated my rights to Due Process as both courts failed to consider the [veracity] and genuine issues of material fact regarding my claims."

3. "The lower courts violated my rights to the assistance of counsel pursuant to the Sixth Amendment of the United States Constitution and Rule 71.1(D) of the South Carolina Rules of Civil Procedure, thereby also violating my rights to due process as well."

Respondent filed its return and motion for summary judgment on or around September 9, 2019. On January 14, 2020, Magistrate Judge Mary Gordon Baker issued the report and recommendation that Applicant's petition be dismissed without prejudice for lack of subject matter jurisdiction or, in the alternative, stayed. *Jeter v. Tucker*, 2:19-cv-1945-MGL-MGB (D.S.C. filed Jan. 14, 2020). Respondent's objection to the report and recommendation was made on January 24, 2020. Applicant's reply to the objection was made March 6, 2020.

On March 5, 2020, the Court Judge adopted the Magistrate's report and recommendation, dismissing the action without prejudice, denying Applicant's motion for a certificate of appealability, and rendering any remaining motions as moot. *Jeter v. Tucker*, 2:19-cv-1945-MGL-MGB (D.S.C. filed Mar. 5, 2020).

A petition for permission to appeal was filed in the United States Court of Appeals for the Fourth Circuit on April 17, 2020. The Fourth Circuit Court dismissed the appeal by unpublished order on August 25, 2020. *Jeter v. Tuckerm*, 20-6456 (4th Cir. Aug. 25, 2020). Applicant filed a petition for rehearing and rehearing *en banc*, which was denied by written order, filed October 5, 2020. *Jeter v. Tuckerm*, 20-6456 (4th Cir. Oct. 5, 2020).

II. Current Action Before the Court

In his PCR application, Applicant alleges he is detained unlawfully for the following reasons (excerpts verbatim):

1. "Ineffective Assistance of Counsel as guaranteed by the Sixth Amendment of the United States Constitution."
   a. "Plea counsel explained and assured me that my conviction would only be considered one 1st offense conviction of possession of crack for enhancement purposes. During

the plea colloquy this was discussed in depth between Applicant, Plea Counsel, Solicitor and Plea Judge and confirmed. This agreement and understanding was again stated at the time of sentencing Applicant to a concurrent sentence of three years imprisonment, suspended to three years' probation. Plea counsel failed to ensure that the terms of the plea were unambiguously written on the sentencing sheet to prevent any possible future discrepancy in regards of the terms, understanding and agreement of the plea. Plea counsel's failure to make a motion for clarification of sentence constitutes ineffective assistance."

2. "Applicant reserves the right to amend his PCR application; Rule 71.1(d)."

Applicant filed a motion on August 2, 2019, to include a number of documents as exhibits in the record, that relate to his prior trial court and prior PCR case records. Applicant filed another motion on October 28, 2019, requesting the court take judicial notice of twenty different case holdings. That same day, Applicant also submitted a request "for admission [of] genuineness of documents", where he requested another four documents as exhibits. Applicant requested a copy of his trial court case file from his prior attorney, which was filed with the clerk of court on January 16, 2020. On May 5, 2020, Applicant requested two additional exhibits, consisting documents from his prior habeas corpus actions, be admitted. Applicant filed a motion to appoint counsel on July 1, 2020. Applicant filed a memorandum in support of the motion for appointment of counsel on August 3, 2020. On October 19, 2020, Applicant filed an "affidavit of authenticity", asking the court admit his SCDC records into the record as an exhibit.

On November 20, 2020, Applicant filed a "supplemental memorandum in support of application for post-conviction relief." In this filing, he states he is not barred by the doctrine of *laches*, stating it is "repugnant to the discovery rule." Applicant states the discovery rule is determined by whether the facts could be exercised through "reasonable diligence" and that the PCR application has to be filed within one year of the discovery.[2] He also states that the case is

[2] This is interpreted as a newly discovered evidence claim.

not successive because he was denied his one bite of the apple in his original PCR and PCR appeals case. Applicant seemingly concedes that the original action was dismissed with prejudice and that he is now seeking to reassert the ineffective assistance of counsel claims he previously raised.

Attached to and incorporated herein are the Cherokee County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, the PCR application, and prior PCR and federal habeas corpus records by reference. Respondent reserves the right to amend this return based upon receipt of additional relevant information.

III. Motion to Dismiss

Respondent moves for summary dismissal pursuant to section 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing. Because there is no question of law or fact to necessitate a hearing, Respondent requests the Court not appoint counsel in this matter, and instead issue a conditional order of dismissal indicating the Court's intent to dismiss the application and its reasons for so doing.[3] *See* S.C. Code Ann. § 17-27-70(b) (establishing procedure for summary disposition of PCR applications); *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief); *Re: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court,* S.C. Sup. Ct. Order filed October 6, 2008; Rule 71.1(d), SCRCP (providing for appointment of counsel only where there is a question of law or fact which necessitates a hearing). Respondent moves for summary dismissal for the following reasons:

[3] A proposed Conditional Order of Dismissal consistent with this return and motion to dismiss is concurrently submitted for the Court's consideration.

Newly Discovered Evidence

In his amendment filed November 20, 2020, Applicant seemingly implies that he can bring this action under the newly discovered evidence section of the PCR Act without explicitly asserting he has new evidence or showing what the evidence consists of or why it entitles him to relief. Respondent contends this claim is without merit. The Uniform Post-Conviction Relief Act states that a person may institute a PCR action if "there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice." S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of material fact not previously presented, the post-conviction relief application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(C).

In South Carolina, a guilty plea is regarded as a waiver of non-jurisdictional defects and claims of violations of constitutional rights. *State v. Rice*, 401 S.C. 330, 331–32, 737 S.E.2d 485, 485–86 (2013) (citing *Hyman v. State*, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Therefore, an applicant requesting a new trial based on after-discovered evidence following a guilty plea must show that:

> (1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the "interest of justice" requires the applicant's guilty plea to be vacated. In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions.

Jamison v. State, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014).

Applicant alleges he is entitled to relief under the newly discovered evidence section of the PCR Act. He does not, however, claim newly discovered evidence exists, what it consists of, why it could not have been discovered through reasonable diligence prior to entering the plea, or why it entitles him to a vacated plea. In fact, the only allegations he specifically raises in this action are the ineffective assistance of counsel claims that are largely identical to those previously raised. This is not newly discovered evidence.

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make a showing that he is entitled to relief based on the information set forth and, therefore, he is not entitled to an evidentiary hearing in the matter. Accordingly, this matter must be summarily dismissed with prejudice.

Successiveness

The application should be summarily dismissed because it is successive to Applicant's previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981); *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

> All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which

> for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive PCR applications are forbidden unless an applicant can indicate a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised ... in the previous application." *Id.* at 450, 409 S.E.2d at 394. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. *Id.* Applicant bears the burden of showing the allegations could not have been previously raised. *Land v. State*, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant's current allegations were or could have been raised in the proceedings based on Applicant's prior PCR application; thus, the current application is successive and barred under South Carolina Code Annotated Section 17-27-90. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous PCR application. Therefore, he has failed to meet the burden imposed upon him, and the application should be dismissed as successive to Applicant's previous PCR application.

Statute of Limitations

Respondent submits this application should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

> An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, South Carolina Code Annotated Section 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Applicant pled guilty to all charges on October 12, 2004. The application was therefore due on October 15, 2005. This application was filed on June 19, 2019, well beyond the statutory filling period. Therefore, the application should be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

Res Judicata

The application is similarly barred by the doctrine of *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues. *Bell v. Bennett*, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. *Foran v. USAA Casualty Ins. Co.*, 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. *Id.*; *see also Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981).

Applicant had a full opportunity to litigate all his allegations in his prior actions. Indeed, Applicant's allegations are seemingly identical to those raised to and ruled upon by the Court in his prior PCR action. That he now reframes the issue already raised as an ineffective assistance of counsel claim, is of no consequence. The underlying issue remains the same as before and,

should be rejected by this Court. Accordingly, the application should be summarily dismissed as barred by the doctrine of *res judicata*.

IV. Other Allegations Denied

Each and every other allegation in Applicant's PCR application not explicitly admitted, qualified, or explain in this return is hereby denied by Respondent.

V. Conclusion

WHEREFORE, Respondent moves to summarily dismiss the application because it is successive, untimely, and barred by the doctrine of *res judicata*.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: s/ Chelsey F. Marto
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3737

December 2, 2020

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ALAN WILSON
ATTORNEY GENERAL

June 26, 2019

Janice Kenealy
Office of Inmate Records
SC Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221

RE: Alonzo Columbus Jeter, III (Spartanburg) # 282902

Dear Ms. Kenealy:

Please forward us a copy of the Department of Corrections records for the above individuals. Thank you for your assistance.

Sincerely,

Eva Cook
Legal Assistant

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, SC 29211-1549 • TELEPHONE 803-734-3970 • FACSIMILE 803-253-6283

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South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, July 10, 2019

Classification Summary Reports

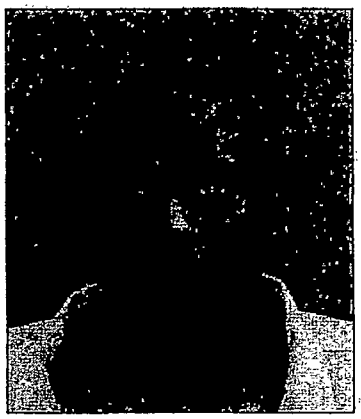
Inmate Number 282902 Submit

Classification Summary Report for JETER III, ALONZO COLUMBUS :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 07/10/2019

SCDC# 00282902 JETER III, ALONZO COLUMBUS FBI# 693754XA2



OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

INSTITUTION: TYGER RIVER

SECURITY/CUST: 2 MINIMUM IN

CURR INCARC SENT: 15 YRS 0 MOS 0 DAYS

VICTIM WITNESS: [redacted] SEPREQ:N

MED CLASS: [redacted]

INST RESTRICT: OUTPATIENT MENTAL HEALTH

MENTAL CLASS: [redacted]

CURRENT PROGRAM: NO CURRENT PROGRAM

SEX REGISTRY: N

DNA: C

AGE: 41

RESIDENT STABILITY: NA

DORMROOMBUNK_CODE: U7 0101 B

PROJ MAXOUT DATE: 12/26/2027

PROJ PAROLE DATE: -

EWC JOB: CHAPLAIN ASSISTANT

ASSIGNMENT: CHAPEL

EWC LEVEL: 2F5 EEC LEVEL:

EDUC PGM: MASONRY (ABE)

SECURITY THREAT GROUP DESCRIPTION: NONE

SECURITY THREAT GROUP STATUS: NONE

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
DIST., ETC METH. 2ND	15	0	0	CHEROKEE	03/31/2015	N	4	15GS11-00461
DIS/SELL/PUR CON SUB SCH	10	0	0	CHEROKEE	03/31/2015	N	3	15GS11-00462
DIST., ETC METH. 2ND	15	0	0	CHEROKEE	03/31/2015	V	4	15GS11-00463
DIS/SELL/PUR CON SUB SCH	10	0	0	CHEROKEE	03/31/2015	N	3	15GS11-00464
TRAFFICK METH 10-28GR 2	15	0	0	CHEROKEE	03/31/2015	V	4	15GS11-00465

COMPLETED OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
HABITUAL TRAFFIC OFFENDE	1	0	0	CHEROKEE	04/27/2008	N	2	08GS11387
DRIVING INFLUENCE LIQUOR	0	5	0	CHEROKEE	06/14/2005	N	2	03GS11-397
CRACK POSSESS	2	0	0	CHEROKEE	06/14/2005	N	2	04GS11-926
FAIL TO STOP FOR OFFICER	1	0	0	CHEROKEE	02/23/2002	N	2	01GS11283

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

03/08/2006	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

10/16/2018	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
08/01/2018	PERRY	INCARCERATED	RETURN FROM COURT
08/01/2018	CHEROKEE CO	AUTH ABSENCE (AWL)	TO COURT
09/18/2017	PERRY	INCARCERATED	ADMINISTRATIVE
09/18/2017	KIRKLAND	INCARCERATED	MEDICAL
07/31/2017	PERRY	INCARCERATED	ADMINISTRATIVE
07/31/2017	KIRKLAND	INCARCERATED	MEDICAL
06/30/2017	PERRY	INCARCERATED	RETURN FROM COURT
06/30/2017	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT

06/19/2017	PERRY	INCARCERATED	ADMINISTRATIVE
06/19/2017	KIRKLAND	INCARCERATED	MEDICAL
03/20/2017	PERRY	INCARCERATED	RETURN FROM COURT
03/20/2017	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
10/03/2016	PERRY	INCARCERATED	ADMINISTRATIVE
10/03/2016	KIRKLAND	INCARCERATED	MEDICAL
08/04/2016	PERRY	INCARCERATED	ADMINISTRATIVE
08/04/2016	KIRKLAND	INCARCERATED	MEDICAL
03/07/2016	PERRY	INCARCERATED	ADMINISTRATIVE
03/07/2016	KIRKLAND	INCARCERATED	MEDICAL
12/21/2015	PERRY	INCARCERATED	ADMINISTRATIVE
12/21/2015	KIRKLAND	INCARCERATED	MEDICAL
12/07/2015	PERRY	INCARCERATED	ADMINISTRATIVE
12/07/2015	KIRKLAND	INCARCERATED	MEDICAL
10/01/2015	PERRY	INCARCERATED	ADMINISTRATIVE
10/01/2015	KIRKLAND	INCARCERATED	MEDICAL
09/09/2015	PERRY	INCARCERATED	ADMINISTRATIVE
07/22/2015	KIRKLAND	INCARCERATED	NEW ADMISSION
11/13/2010	UNK	RELEASE	PROB/CS/EPA COMPLETE
10/31/2008	CHEROKEE CO	PROBATION	RELEASED TO PROBATION
10/02/2008	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
08/19/2008	KIRKLAND	INCARCERATED	R&E PROCESSING
08/19/2008	PERRY	INCARCERATED	NEW ADMISSION
06/30/2006	UNK	RELEASE	EXPIRATION OF SENTENCE
06/28/2005	KIRKLAND	INCARCERATED	R&E PROCESSING
06/28/2005	PERRY	INCARCERATED	NEW ADMISSION
09/05/2002	UNK	RELEASE	EXPIRATION OF SENTENCE
06/07/2002	TRENTON	INCARCERATED	ADMINISTRATIVE
06/07/2002	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
04/10/2002	TRENTON	INCARCERATED	ADMINISTRATIVE
03/27/2002	KIRKLAND	INCARCERATED	R&E PROCESSING
03/27/2002	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
CHAPLAIN ASSISTANT	03/05/2019	-		2F5
MACHINE OPERATOR	02/14/2019	03/04/2019	LATERAL TRANSFER	2F5
CHAPLAIN ASSISTANT	02/12/2019	02/13/2019	LATERAL TRANSFER	2F5
LIBRARY HELPER	12/01/2016	10/16/2018	INSTIT TRANSFER	2F5
RECREATION AIDE	05/16/2016	11/30/2016	LATERAL TRANSFER	2F5
RECREATION AIDE	09/10/2015	05/15/2016	LATERAL TRANSFER	2P5
STOP PROGRAM	10/08/2008	10/31/2008	RELEASED/PAROLED	2F5
CHAPLAIN ASSISTANT	08/04/2005	06/30/2006	RELEASED/PAROLED	2F5
LIBRARIAN/BOOKMOBILE OPER	04/20/2002	09/05/2002	RELEASED/PAROLED	2F5
TEACHER AIDE	04/19/2002	04/19/2002	INMATE REQUEST	2F5
TEACHER AIDE	04/12/2002	04/18/2002	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 15 OR MORE	04/08/2019	-	

********** END OF REPORT **********

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[Version: *1.4.16* Built: *06/21/2018 03:28:42 PM* Time: *12:49:25 PM*]

98

STATE OF SOUTH CAROLINA)
COUNTY OF Cherokee) IN THE COURT OF GENERAL SESSIONS
STATE VS.)
Alonzo Columbus Jeter III) INDICTMENT/CASE#: 2015-GS-11-00461
AKA:) A/W#: 2015A1110100230
Race: BLACK Sex: M Age: 37) Date of Offense: 1/14/2015
DOB: [redacted] SS#: [redacted]) S.C. Code § : 44-53-0375(B)(3)
Address: 140 Malone Rd.) CDR Code #: 3200
City,State,Zip: Gaffney, SC 29341)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Drugs/ Distribution, etc. of methamphetamine, 2nd offense (5-30 years &/OR 0-50K fine)
in violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3199
☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury. AJ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State. 15 yrs
ATTEST: SAMS, CLIFTON M. 100227 SC Bar# Defendant Attorney for Defendant 79072 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$
3% to County (if paid in installments)		$
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Brandy L. McBee
Court Reporter: Mike Stubbs
Presiding Judge
Judge Code:
Sentence Date: 7/16/15

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Cherokee) IN THE COURT OF GENERAL SESSIONS 99
STATE VS.)
Alonzo Columbus Jeter III) INDICTMENT/CASE#: 2015-GS-11-00462
AKA:) A/W#: 2015A1110100231
Race: BLACK Sex: M Age: 37) Date of Offense: 1/14/2015
DOB: [redacted] SS#: [redacted]) S.C. Code § : 44-53-0445(A)
Address: 140 Majors Rd.) CDR Code #: 0107
City,State,Zip: Gaffney, SC 29341)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school (0-10 years &/OR 0-10,000 fine)
in violation of § 44-53-0445(A) of the S.C. Code of Laws, bearing CDR Code # 0107
☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury. [initials] (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State. Concurrent to other charge

ATTEST: [signature]
SAMS, CLIFTON M. 100027 SC Bar# [signature] Defendant [signature] Attorney for Defendant 79072 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$
3% to County (if paid in installments)		$
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk [signature]
Court Reporter: [signature]
Presiding Judge [signature]
Judge Code: 2112
Sentence Date: 7/16/15

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Cherokee)
STATE VS.)
Alonzo Columbus Jeter III)
AKA:)
Race: BLACK Sex: M Age: 37)
DOB: [redacted] SS#: [redacted])
Address: 140 Malone Rd)
City,State,Zip: Gaffney, SC 29341-0000)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

IN THE COURT OF GENERAL SESSIONS 100

INDICTMENT/CASE#: 2015-GS-11-00463
A/W#: 2015A1110100233
Date of Offense: 1/12/2015
S.C. Code § : 44-53-0375(B)(3)
CDR Code #: 3200

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Drugs/ Distribution, etc. of methamphetamine, 2nd offense (5-30 years &/OR 0-50K fine)
in violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3199
☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: SAMS, CLIFTON M. 100227 SC Bar# Defendant Attorney for Defendant 79072 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

☐ **RESTITUTION:** ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine: $ _____

§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$
3% to County (if paid in installments)		$
TOTAL		$

SPECIAL CONDITIONS:
PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Brandy J. McBee
Court Reporter: Mike Stubbs
Presiding Judge _____
Judge Code: 243
Sentence Date: 7/16/15

SCCA/217 (03/2011)

101

STATE OF SOUTH CAROLINA)
COUNTY OF Cherokee) IN THE COURT OF GENERAL SESSIONS
STATE VS.)
Alonzo Columbus Jeter III) INDICTMENT/CASE#: 2015-GS-11-00464
AKA:) A/W#: 2015A1110100234
Race: BLACK Sex: M Age: 37) Date of Offense: 1/12/2015
DOB: [redacted] SS#: [redacted]) S.C. Code § : 44-53-0445(A)
Address: 140 Malone Rd.) CDR Code #: 0107
City,State,Zip: Gaffney, SC 29341)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school (0-10 years &/OR 0-10K fine)
in violation of § 44-53-0445(A) of the S.C. Code of Laws, bearing CDR Code # 0107
☒ NON-VIOLENT ☐ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury. [initials] (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State. Concurrent

ATTEST: [signature] SAMS, CLIFTON M. 100257 SC Bar# [signature] Defendant [signature] Attorney for Defendant 79072 SC Bar# other chgs

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$
§14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$
3% to County (if paid in installments)		$
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk [signature]
Court Reporter: [signature]
Presiding Judge [signature]
Judge Code: 2413
Sentence Date: 7/16/15

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA)
COUNTY OF Cherokee)
STATE VS.)
Alonzo Columbus Jeter III)
AKA:)
Race: BLACK Sex: M Age: 37)
DOB: [redacted] SS#:)
Address: 140 Malone Rd.)
City,State,Zip: Gaffney, SC 29341)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS 102

INDICTMENT/CASE#: 2015-GS-11-00465
A/W#: 2015A1110100235
Date of Offense: 1/15/2015
S.C. Code § : 44-53-0375(C)(1)(c)
CDR Code #: 0452

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Drugs / Trafficking in ice, crank or crack - 10 g or more, but less than 28 g - 2nd offense (5-30 years & 50K fine)
in violation of § 44-53-0375(C)(1)(c) of the S.C. Code of Laws, bearing CDR Code # 0451
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury. AL (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State. 15

ATTEST: SAMS, CLIFTON M. 100227 SC Bar# Defendant Attorney for Defendant 79072 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all counts this Date
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$
3% to County (if paid in installments)		$
TOTAL		$

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Brandy McBee
Court Reporter: Mike Gatlin
Presiding Judge
Judge Code: 2103
Sentence Date: 7/16/15

SCCA/217 (03/2011)

ALAN WILSON
ATTORNEY GENERAL

December 10, 2020

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Box 2289
Gaffney, South Carolina 29342

Re: Alonzo C. Jeter, #282902 v. State of South Carolina
2019-CP-11-0457

Dear Ms. McBee:

Enclosed please find the original **Conditional Order of Dismissal** signed by the Honorable J. Mark Hayes, II, in the above-captioned case, for filing in your office.

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/ec

Enclosure

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 8:56
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

104

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, Applicant, v. State of South Carolina, Respondent.	Case No.: 2019-CP-11-0457 **CONDITIONAL ORDER OF DISMISSAL**

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 5b
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

This matter comes before the Court by way of a post-conviction relief application filed by Applicant Alonzo C. Jeter, III on June 19, 2019. Respondent made its Return, requesting the application be summarily dismissed.

I. Procedural History[1]

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. In September 2004, the Cherokee County Grand Jury indicted Applicant for two counts of possession of crack cocaine (2004-GS-11-925 and -926). Don Thompson, Esquire represented Applicant. On October 12, 2004, Applicant pleaded guilty as charged before the Honorable Roger L. Couch. Judge Couch sentenced Applicant to three years' imprisonment for each charge, sentences running concurrently, suspended upon the service of time served and three years' probation. Applicant did not appeal his conviction or sentence.

[1] Applicant pursued several other actions pursuant to unrelated underlying convictions. Applicant pursued a PCR action out of Spartanburg County (2012-CP-42-0516) which was dismissed by written order clocked April 29, 2013. Thereafter, Applicant pursued another PCR action out of Cherokee County (2016-CP-11-293), which was dismissed by written order on July 27, 2017 and the motion for reconsideration denied on August 16, 2017. The 2016 PCR action was appealed on August 28, 2017, and remains pending.

First PCR Action: (2017-CP-11-0486)

Applicant subsequently filed his first PCR application on June 19, 2017, alleging:

1. "Breach of agreement between attorney, solicitor, and myself."
    a. "My offenses [were] to merge as only a 1st offense."

Respondent made its return and motion to dismiss on December 1, 2017, requesting the case be summarily dismissed for untimeliness, failure to state a claim, and as barred by the doctrine of *laches*. On December 7, 2017, the Honorable J. Derham Cole, circuit court judge, issued the conditional order of dismissal. Applicant's objection to the conditional order of dismissal was filed on December 27, 2017. The Honorable R. Keith Kelly issued the final order of dismissal, summarily dismissing the case for untimeliness, failure to state a claim, and as barred by the doctrine of *laches*.

Applicant filed a *pro se* notice of appeal, date August 6, 2018. Applicant was requested to file a 243(c) explanation for the appeal by written letter from the Supreme Court of South Carolina dated August 10, 2018. Applicant filed his Rule 243(c) explanation on August 16, 2018. The Supreme Court of South Carolina dismissed the matter by written order dated January 11, 2019, for failure to show that there is an arguable basis for asserting that the determination by the lower court was improper. The remittitur was issued on January 29, 2019.

First Habeas Corpus Action: (2:19-cv-01945-MGL-MGB)

Applicant filed a *pro se* petition for writ of habeas corpus under 28 United States Code Section 2254 on July 16, 2019. Applicant set forth the following grounds for relief:

1. "Ineffective assistance of counsel – Sixth Amendment. Plea Counsel failed to ensure that the agreement and understanding of the terms of the plea were written on the sentencing sheet. Plea Counsel failed to make a motion for clarification of the sentence structure ensuring that the sentencing sheets reflected the agreement and understanding that my plea a[] conviction would merge and be considered one 1st offense conviction for enhancement purposes."
2. "Due Process Violation – The PCR Court and the South Carolina Supreme Court

violated my rights to Due Process as both courts failed to consider the [veracity] and genuine issues of material fact regarding my claims."

3. "The lower courts violated my rights to the assistance of counsel pursuant to the Sixth Amendment of the United States Constitution and Rule 71.1(D) of the South Carolina Rules of Civil Procedure, thereby also violating my rights to due process as well."

Respondent filed its return and motion for summary judgment on or around September 9, 2019. On January 14, 2020, Magistrate Judge Mary Gordon Baker issued the report and recommendation that Applicant's petition be dismissed without prejudice for lack of subject matter jurisdiction or, in the alternative, stayed. *Jeter v. Tucker*, 2:19-cv-1945-MGL-MGB (D.S.C. filed Jan. 14, 2020). Respondent's objection to the report and recommendation was made on January 24, 2020. Applicant's reply to the objection was made March 6, 2020.

On March 5, 2020, the Court Judge adopted the Magistrate's report and recommendation, dismissing the action without prejudice, denying Applicant's motion for a certificate of appealability, and rendering any remaining motions as moot. *Jeter v. Tucker*, 2:19-cv-1945-MGL-MGB (D.S.C. filed Mar. 5, 2020).

A petition for permission to appeal was filed in the United States Court of Appeals for the Fourth Circuit on April 17, 2020. The Fourth Circuit Court dismissed the appeal by unpublished order on August 25, 2020. *Jeter v. Tuckerm*, 20-6456 (4th Cir. Aug. 25, 2020). Applicant filed a petition for rehearing and rehearing *en banc*, which was denied by written order, filed October 5, 2020. *Jeter v. Tuckerm*, 20-6456 (4th Cir. Oct. 5, 2020).

II. Current Action before this Court

In his current PCR application, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. "Ineffective Assistance of Counsel as guaranteed by the Sixth Amendment of the United States Constitution."
   a. "Plea counsel explained and assured me that my conviction would only be considered one 1st offense conviction of possession of crack for enhancement purposes. During

the plea colloquy this was discussed in depth between Applicant, Plea Counsel, Solicitor and Plea Judge and confirmed. This agreement and understanding was again stated at the time of sentencing Applicant to a concurrent sentence of three years imprisonment, suspended to three years' probation. Plea counsel failed to ensure that the terms of the plea were unambiguously written on the sentencing sheet to prevent any possible future discrepancy in regards of the terms, understanding and agreement of the plea. Plea counsel's failure to make a motion for clarification of sentence constitutes ineffective assistance."

2. "Applicant reserves the right to amend his PCR application; Rule 71.1(d)."

Applicant filed a motion on August 2, 2019, to include a number of documents as exhibits in the record, that relate to his prior trial court and prior PCR case records. Applicant filed another motion on October 28, 2019, requesting the court take judicial notice of twenty different case holdings. That same day, Applicant also submitted a request "for admission [of] genuineness of documents", where he requested another four documents as exhibits. Applicant requested a copy of his trial court case file from his prior attorney, which was filed with the clerk of court on January 16, 2020. On May 5, 2020, Applicant requested two additional exhibits, consisting documents from his prior habeas corpus actions, be admitted. Applicant filed a motion to appoint counsel on July 1, 2020. Applicant filed a memorandum in support of the motion for appointment of counsel on August 3, 2020. On October 19, 2020, Applicant filed an "affidavit of authenticity", asking the court admit his SCDC records into the record as an exhibit.

On November 20, 2020, Applicant filed a "supplemental memorandum in support of application for post-conviction relief." In this filing, he states he is not barred by the doctrine of *laches*, stating it is "repugnant to the discovery rule." Applicant states the discovery rule is determined by whether the facts could be exercised through "reasonable diligence" and that the PCR application has to be filed within one year of the discovery.[2] He also states that the case is

[2] This is interpreted as a newly discovered evidence claim.

not successive because he was denied his one bite of the apple in his original PCR and PCR appeals case. Applicant seemingly concedes that the original action was dismissed with prejudice and that he is now seeking to reassert the ineffective assistance of counsel claims he previously raised.

Before this Court are the Cherokee County Clerk of Court Records, Applicant's South Carolina Department of Corrections Records, the plea transcript, the PCR application, and prior PCR and federal habeas corpus records by reference.

III. Findings of Fact and Conclusions of Law

This Court has reviewed the pleadings, the records submitted to it by the parties, and the applicable law. Pursuant to South Carolina Code Annotated Sections 17-27-70 and -80, this Court informs the parties of its intent to dismiss the application based upon the following findings:

Newly Discovered Evidence

In his amendment filed November 20, 2020, Applicant seemingly implies that he can bring this action under the newly discovered evidence section of the PCR Act without explicitly asserting he has new evidence or showing what the evidence consists of or why it entitles him to relief. This claim is without merit. The Uniform Post-Conviction Relief Act states that a person may institute a post-conviction relief action if "there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice." S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of material fact not previously presented, the post-conviction relief application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date

when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. § 17-27-45(C).

In South Carolina, a guilty plea is regarded as a waiver of non-jurisdictional defects and claims of violations of constitutional rights. *State v. Rice*, 401 S.C. 330, 331–32, 737 S.E.2d 485, 485–86 (2013) (citing *Hyman v. State*, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Therefore, an applicant requesting a new trial based on after-discovered evidence following a guilty plea must show that:

> (1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the "interest of justice" requires the applicant's guilty plea to be vacated. In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the compelling interests in maintaining the finality of guilty-plea convictions.
>
> *Jamison v. State*, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014).

Applicant alleges he is entitled to relief under the newly discovered evidence section of the PCR Act. He does not, however, claim newly discovered evidence exists, what it consists of, why it could not have been discovered through reasonable diligence prior to entering the plea, or why it entitles him to a vacated plea. In fact, the only allegations he specifically raises in this action are the ineffective assistance of counsel claims that are largely identical to those previously raised. This is not newly discovered evidence.

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make a showing that he is entitled to relief based on the information set forth and, therefore, he is not

entitled to an evidentiary hearing in the matter. Accordingly, this matter must be summarily dismissed with prejudice.

Successiveness

The application shall be summarily dismissed because it is successive to Applicant's previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981); *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

> All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive PCR applications are forbidden unless an applicant can indicate a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised ... in the previous application." *Id.* at 450, 409 S.E.2d at 394. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. *Id.* Applicant bears the burden of showing the allegations could not have been previously raised. *Land v. State*, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant's current allegations were or could have been raised in the proceedings based on Applicant's prior PCR application; thus, the current application is successive and barred

under South Carolina Code Annotated Section 17-27-90. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous PCR application. Therefore, he has failed to meet the burden imposed upon him, and the application shall be dismissed as successive to Applicant's previous PCR application.

Statute of Limitations

The Court finds that this application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

> An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.
>
> S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, South Carolina Code Annotated Section 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Applicant pled guilty to all charges on October 12, 2004. The application was therefore due on October 15, 2005. This application was filed on June 19, 2019, well beyond the statutory filling period. Therefore, the application should be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

Res Judicata

The application is similarly barred by the doctrine of *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues. *Bell v. Bennett*, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. *Foran v. USAA Casualty Ins. Co.*, 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. *Id.*; *see also Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981).

Applicant had a full opportunity to litigate all his allegations in his prior actions. Indeed, Applicant's allegations are seemingly identical to those raised to and ruled upon by the Court in his prior PCR action. That he now reframes the issue already raised as an ineffective assistance of counsel claim, is of no consequence. The underlying issue remains the same as before and, should be rejected by this Court. Accordingly, the application shall be summarily dismissed as barred by the doctrine of *res judicata*.

IV. Conclusion

Pursuant to South Carolina Code Annotated Section 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty days from the date of service of this order upon him to show why this order should not become final. Applicant shall file any reasons he may have with the Cherokee County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Chelsey F. Marto, Esquire
PCR Division – Seventh Circuit
P.O. Box 11549
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Cherokee County Clerk of Court and opposing counsel within twenty days, and that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 7th **day of** December **2020.**

J. MARK HAYES, II
Chief Administrative Judge
Seventh Judicial Circuit

Cherokee, South Carolina

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP1100457

Alonzo C. Jeter III		State Of South Carolina	

PLAINTIFF(S) DEFENDANT(S)

Submitted by: Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

FILED IN THE OFFICE OF THE CLERK OF COURT
2020 DEC 14 A 9:21
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/J. Mark Hayes	2132	12/14/2020
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on 12/14/2020, and a copy mailed first class or placed in the appropriate attorney's box on 12/14/2020, to attorneys of record or to parties (when appearing pro se) as follows:

Jyzer Penn
115

ALAN WILSON
ATTORNEY GENERAL

RECEIVED
DEC 23 2020
GENERAL COUNSEL

December 21, 2020

Barton J. Vincent, General Counsel
Attn: Jonathan Eckstrom
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221-1787

Re: **Alonzo C. Jeter, #282902 v. State of South Carolina**
2019-CP-11-0457

Dear Mr. Eckstrom:

Enclosed please find the **Conditional Order of Dismissal** in the above-captioned inmate's post-conviction relief action. Please serve the inmate, **Alonzo C. Jeter, #282902** with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/ec
Enclosures

RECEIVED
DEC 23 2020
TYGER RIVER C.I.
WARDEN'S OFFICE

116

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
MEMORANDUM

TO: Warden Gadsden
Tyger River Correctional Institution

FROM: Jonathan Eckstrom/Elizabeth Powers
Office of General Counsel/Office of the Director

RE: **REQUEST FOR SERVICE OF LEGAL PLEADINGS**
Inmate Alonzo C. Jeter
SCDC Inmate Number 282902

DATE: December 23, 2020

Pursuant to the above referenced subject, please follow the below procedures for ***Service of Legal Pleadings*** on Inmate **Alonzo C. Jeter SCDC Inmate Number 282902.**

1. **Serve Papers (Conditional Order of Dismissal-Case No.: 2019-CP-11-0457) on inmate Alonzo C. Jeter SCDC Inmate Number 282902**

2. **Complete** the ***AFFIDAVIT OF SERVICE*** **(sign/date/notarize)** acknowledging that the Legal Pleading(s) were served on Inmate **Alonzo C. Jeter SCDC Inmate Number 282902.**

3. **Please note** that **if** the Inmate chooses 'not' to physically accept the Legal documents from you (Server), the Inmate is considered '**Served**' once he/she has been properly identified.

4. Therefore, please proceed with service process by placing the Legal document(s) under the Inmate's cell door.

5. Please indicate on the ORIGINAL AFFIDAVIT OF SERVICE the following: ***'Inmate refused to accept service'.***

6. *Make a **COPY*** of the **AFFIDAVIT OF SERVICE** for the Inmate for his/her record.

7. ***Return*** the ***completed 'ORIGINAL' AFFIDAVIT OF SERVICE ONLY*** back to the Office of General Counsel (H.Q.)

If you have any questions, please call Jonathan Eckstrom at 896 4513 or Elizabeth Powers at 896-9726.

ekp
Attachment(s)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Cpl. Wall (*Server*) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
)
COUNTY OF Spartanburg)

AFFIDAVIT OF PERSONAL SERVICE

On this 23 day of December **2020**, I served the **Conditional Order of Dismissal**, on *Inmate* **Alonzo C. Jeter, #282902** ***SCDC Inmate* #249552,** by delivering personally and leaving a copy of the same at **Tyger** ***Correctional Institution.*** Deponent is not a party to this action.

s/ Cpl. T. Wall

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 23 day of December 2020

Notary Public for South Carolina

My Commission Expires: March 24, 2027

ADMISSION OF SERVICE

Service of a copy of the within **Conditional Order of Dismissal** is admitted at the South Carolina Department of Corrections (Tyger River ***Correctional Institution***), Enoree, Spartanburg County, SC this 23 day of December, **2020.**

s/

Inmate
SCDC *Inmate* #: 282902

2019-CP-11-0457

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

December 15, 2020

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Box 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 18 A 11:12
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Ms. McBee:

I have received notice and copy of the Respondent's Return and Motion to Dismiss, dated December 2, 2020, and which should be filed in your office.

As accompanying attachments were also filed, I am seeking to know if the correspondance from the Office Of the Attorney General (Eva Cook, Legal Assistant) which was written to Janice Kenealy, Office of Inmate Records, SC Department of Corrections and it's incorporated records from the South Carolina Department of Corrections dated July 10, 2019, were/are filed in your office. The correspondence is dated June 26, 2019.

Please provide me a copy of this correspondance and the incorporated records from SCDC dated July 10, 2019, which bears your office's file-stamp/clock-stamp.

Enclosed, please find a self-addressed stamped envelope for your return along with an additional copy of this letter.

Thank you for your assistance in this matter.

Sincerely,
Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG

119

Office of
CLERK OF COURT
CHEROKEE COUNTY
MRS. BRANDY W. MCBEE, CLERK
Post Office Drawer 2289
Gaffney, S.C. 29342
Phone: 864-487-2571 • Fax: 864-487-2754

Mr. Jeter,

We received your letter requesting a copy of correspondence dated June 26, 2019 and we regret to inform you that we do not have the information you are requesting. Sorry we could not assist you in this matter.

Sincerely,

Common Pleas Clerk

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 18 A 11:52
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

December 17, 2020

The Honorable Brandy W McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 21 P 2:49
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457 (PCR)

Dear Ms. McBee:

Enclosed for filing, please find the correspondance to the Honorable J. Mark Hayes, II, dated December 17, 2020.

Enclosed, please also find an additional copy of the same along with a self-addressed stamped envelope. Please return to me file-stamped copy of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

December 17, 2020

The Honorable J. Mark Hayes, II
Chief Administrative Judge
180 Magnolia Street
Spartanburg, South Carolina 29306

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 21 P 2:49
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457 (PCR)

Dear Judge Hayes:

As I have been made aware and provided a copy of the State's proposed Conditional Order of Dismissal in the above-captioned case; I write asking that you please review **all** filings that I have submitted for filing in the Cherokee County Clerk of Court's office in this action.

Specifically, I notice the Respondent in this case has provided only certain of my filings as accompanying attachments to its Return and Motion to Dismiss, however, I ask that your attention also be directed to all filings and exhibits I have filed in this action so as to make a fully informed and equitable adjudication and considerations with regard to the matters in this case. Please review all filings I have filed in the clerk's office.

Also, I am preparing a Reply to the Respondent's Return and a Return to Respondent's Motion to Dismiss, that will be filed in the Cherokee County clerk's office in this case. There may or may not be a delay in the Reply and Return being filed due to the circumstances of incarceration and difficulty with

obtaining or handwriting copies of my pleadings.

I do object to the proposed Conditional Order of Dismissal as it does not reasonably apply to this case and does not specifically address, refute, or reflect in any way that my filings and exhibits to the Court has been throughly reviewed and considered.

Respectfully,

Alonzo C. Jeter, III
Applicant/prose

CC: Chelsey F. Marto, AAG
Hon. Brandy W. McBee, Clerk, Cherokee Cty.

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 21 P 2:49
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

December 18, 2020

The Honorable Brandy W McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, South Carolina 29342

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 21 A 11:15
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

A Return and Motion to Dismiss, along with a proposed Conditional Order of Dismissal, has been submitted by the Respondent in this case. These are dated December 2, 2020, and I received copies of these submissions on or about December 8, 2020, via the Tyger River Correctional Institution's Legal Mail system.

I am requesting an extension of time to respond to the Respondent's submissions. I am prepared to respond by submitting a Reply to Respondent's Return and a Return to Respondent's Motion to Dismiss.

Please grant me an extension of time to serve and file these responses. I am seeking a (10) ten day extension. This extension of time is necessary as due to my circumstances of incarceration, difficulties arise in producing copies of my pleadings for proper service and filing.

A copy of this request has been served e

Respectfully,

Alonzo C. Jeter, III

cc: Chelsey Fi Marto, AAG
Hon. J. Mark Hayes, II
FILE

Request for 10 day extension has been forwarded to the Attorney General's office.
Clerk's office

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

December 18, 2020

The Honorable Brandy W. McBee
Clerk of Court, Cherokee County
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 28 A 11:02
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the APPLICANT'S REPLY TO RESPONDENT'S RETURN and RETURN TO RESPONDENT'S MOTION TO DISMISS, along with a Certificate of Service for the same.

Enclosed, please also find an additional copy of the same along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

CC: Chelsey F. Marto, AAG

FILE

RECEIVED 125

DEC 21 2020

TYRCI MAILROOM

CERTIFICATE OF SERVICE

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Reply To Respondent's Return and Return To motion To Dismiss on the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 22nd day of December, 2020, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 22 day of Dec., 2020

Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

S/
Alonzo C. Jeter, III

S.C. Code Ann. § 26-1-10 et seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Alonzo C. Jeter, III, #282902
APPLICANT

V

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

RECEIVED
DEC 22 2020
TYRCI MAILROOM

ALLEN TH OFFICE
CLERK OF COURT
2020 DEC 28 A
BRADY MCBEE
CHEROKEE COUNT
SC

I, Alonzo C. Jeter, III, hereby certify that I have served the APPLICANT'S REPLY TO RESPONDENT'S RETURN/RETURN TO RESPONDENT'S MOTION TO DISMISS, on the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 22nd day of December, 2020, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 22 day of Dec., 2020

Paul Dean Cude
Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

S/
Alonzo C. Jeter, III, #282902
APPLICANT/pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

S.C. Code Ann. § 26-1-10 et. seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S REPLY TO RESPONDENT'S RETURN and RETURN TO RESPONDENT'S MOTION TO DISMISS

FILED IN THE OFFICE OF THE CLERK OF COURT
2019 DEC 18 A 11:03
RAMEY W. MCBEE
CHEROKEE COUNTY, SC

NOW COMES Applicant making his Reply to Respondent's Return and making his Return to Respondent's Motion To Dismiss, Applicant, Alonzo C. Jeter, III, (hereafter "Applicant") respectfully offers as follows as Reply and Return.

Procedural History

Respondent has provided an adequate procedural history in this case for the most part. However, Applicant would further clarify any errors, misstatements, and ommissions which exist in Respondent's Return and Motion To Dismiss with regard to the procedural history of this case.

a) On October 12, 2004, Applicant entered a plea of guilty to 1st offense possession of less than one gram of crack cocaine.

b) Respondent errs as it states in its footnote 1, that Applicant pursued a PCR action out of Spartanburg County (2012-CP-42-0516). Applicant did not pursue any PCR action during that time, and this PCR case number should not be associated with Applicant.

Current Action Before the Court

Respondent, although it does mention filings the Applicant has submitted for the record in this PCR action for the Court's review, Respondent fails to mention all filings and fails to clarify with specificity.

As such, Applicant will bring these filings to the Court's attention with specificity and clarification.

Applicant filed the current PCR Application on June 19, 2019, and also filed a Memorandum In Support of Application For Post-Conviction Relief, and Exhibits A, B, C, and D along with an Affidavit of Authenticity on the same date.

On October 22, 2020, Applicant filed his Exhibit L, along with an Affidavit of Authenticity, and a Request for Admission of Genuiness of Documents.

On November 20, 2020, Applicant filed a Motion for Hearing along with a Supplemental Memorandum In Support of Application for Post-Conviction Relief.

The Respondent rightfully states that Applicant submits that he is not barred by the doctrine of laches, as he files this PCR action under the discovery rule which exists in the Uniform Post-Conviction Relief Act.

The Respondent also rightfully states that this PCR action would not be determined successive due to Applicant's failure to receive his one full and fair bite at the apple in his previous PCR (2017-CP-11-0486) action.

Respondent, interestingly, states that, "Applicant... is now seeking to reassert the ineffective assistance of counsel claims he previously raised." Curiously, however, the State asserted in Applicant's previous PCR (2017-CP-11-0486), that Applicant failed to state a claim. The Honorable R. Keith Kelly dismissed the

the previous PCR action based on that determination.

As Applicant has been diligent and intentional in providing exhibits for proof and this Court's review, as well as memorandums whereby he has sought to clearly present this case and its irregularities with sufficient specificity, Applicant seeks that this Court do review all filings he has submitted in this case.

Return To Respondent's Motion To Dismiss

Applicat objects to Respondent's Motion to Dismiss and in doing so Applicant incorporates by reference his Memorandum In Support of Post-Conviction Relief Supplemental Memorandum In Support of Post-Conviction Relief, Motion For Hearing, and Exhibits A thru L; all in support of Applicants objection to Respondents motion To Dismiss as well as objection to Respondents request and proposed Conditional Order of Dismissal. Applicat has clearly shown that there is in fact genuine issues of material fact, question of law and fact to necessitate an evidentiary hearing in this action. Applicant incorporates by reference, all filings he has submitted in this case.

Newly Discovered Evidence

Respondent continually asserts that Applicat implies that he brings this action under the newly discovered evidence rule under the Uniform Post-Conviction Relief Act, however, Applicat does not assert he has new evidence

nor shew what the evidence consists of.

Applicant has clearly stated that his ineffective assistance of counsel claim and evidence was discovered in his 2016-CP-11-0293 PCR Action wherein the State chose to unmerge Applicants 2004 conviction and deem it to be an offense which could also be used to enhance Applicants 2015 convictions. (See Memorandums and Exhibits E-H, Exhibit J).

Applicant has provided exhibits A thru L in support of his claim. Importantly, Applicant would point to Applicants prior PCR action 2017-CP-11-0486 and emphasize the Respondents failure to acknowledge or refute Applicants newly discovered evidence. Applicants newly discovered evidence is stark and clear and is not refuted nor called into question because it cannot be. Applicants newly discovered evidence is substantial, and a preponderance, and is clear and convincing. Applicants newly discovered evidence is more than a scintilla of evidence.

It is, simply put, Applicant pled guilty under a plea agreement that his conviction would merge as one 1st offense conviction for enhancement purposes. The State frustrated this plea agreement, by disturbing the case and Applicants records of the 2004 conviction years later. Applicants exhibits reflect the understanding

of the plea and merging agreement. Applicant had no way of knowing that years later the State would frustrate this plea. Applicant discovered that although the plea agreement had been kept for all past years and only one conviction remained on Applicants' criminal history reports; the State would choose to throw a "Hail Mary" by choosing to unmerge Applicants 2004 plea. It was ineffective assistance of Applicants 2004 plea counsel as he failed to ensure the specific terms of the agreement were written on the sentencing sheet. (See Creighton v State, No. 2012-213667 (S.C. Ct. App. 2016, 2016 WL 3511866; See Also Exhibit J)

Successiveness

Applicant emphasizes this Application is not successive as it is filed due to the same factors as in Case v State, 277 S.C. 474, 289 S.E.2d 413 (1982) (The South Carolina Supreme Court held that where defendants first application for post conviction relief was filed without assistance of legal counsel and was dismissed without hearing on basis that it lacked specificity, defendants second application for post conviction relief warranted hearing despite its successiveness.)

Applicat would also show the Court that he raised the issue of ineffective assistance of Counsel in his prior

PCR via amendment and the Court failed to acknowledge his amendment. (See Exhibit J)

The PCR Court failed to assume the facts presented by Applicant are true and view the facts in the light most favorable to Applicant. See, Pelzer v State, 662 SE2d 618 (2008) - When considering the State's motion for summary dismissal of an application for post-conviction relief, A Judge must assume facts presented by an applicant are true and view these facts in the light most favorable to the Applicant. See also, Leamon v State, 363 S.C. 432, 434, 611 SE2d 494, 494 (2005) (Where no evidentiary has been held, the PCR Judge must assume facts presented by the applicant are true and view these facts in the light most favorable to the applicant. (citing S.C. Code Ann. 17-27-80).

The PCR Court failed to provide a hearing on the merits as required by Rogers v State, 261 SC 288, 199 SE2d 761 (1973); Chambers v State, 262 SC 202, 203 SE2d 426 (1974); Coardes v State, 262 SC 493, 206 SE2d 264 (1974); Delaney v State, 269 SC 555, 238 SE2d 679 (1977).

The PCR Court also failed to provide a hearing on the procedural defenses of laches, statute of limitations, newly discovered evidence, successiveness; as required by McCoy v State, 401 SC 363, 737 SE2d 623 (2013); Sanders v U.S.,

No. 0:06-3175-MGS-BM, 2008 WL 413666 (D.S.C. 1994); Deleston v South Carolina, No. 6:06-331-DCN-WMC (D.S.C. 2007); Gamble v State, 298 SC 176, 379 SE2d 118 (1989).

See also, arguendo, Washington v State, 478 SE2d 833 (1996).

Res Judicata

For the same reasons stated above, this application is not barred by the doctrine of res judicata. Respondent cannot point to any instance where Applicant's issue of ineffective assistance of 2004 Plea counsel has been ruled on, on its merits by this Court or any other Court. (See Exhibit J).

Similarly, Respondent even now submits filings which do not truly address Applicant's claim of ineffectiveness, newly discovered evidence nor procedural history and its irregularities. Respondent simply cites the standards for procedural bar, successiveness, statute of limitations, res judicata, etc and does not effectively apply these procedural bars to this case. This is because Respondent cannot reasonably do so.

Respondent seeks to place a cloak over the eyes of this Court by ignoring Applicant's reasonings, exhibits and clear and convincing evidence which is substantial and preponderate in amount. (See also, Applicant's Objection to Conditional Order of Dismissal)

Statute of Limitations

The discovery rule which exists within the Uniform Post-Conviction Act states that the application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code 17-27-45 (C). Applicant would not be barred due to statute of limitations. See McCoy v State, 401 SC. 363, 737 SE2d 623 (2013); Coates v State, 575 SE2d 557 (2003); McDuffie v State, 276 SC 229, 277 SE2d 595 (1981).

The discovery rule would not serve any purpose and would rather be effectless and surplusage if defenses of statute of limitations or laches would prevail as a defense to the discovery rule. This is because discovery rule has has its own requirements with regard to statute of limitations and it is that the Applicant must demonstrate "reasonable diligence" or reasonable circumstance why could not have been discovered at an earlier time.

Applicant points to Creighton v State, No. 2012-213667 (S.C. Ct. App. 2016), 2016 WL 3511866 (Her PCR Application

although filed four years after she pled guilty, was timely filed pursuant to SC Code Ann. 17-27-45(C), discovery. Creighton did not learn plea counsel's advice was erroneous until four years when the adverse consequences of her plea counsel's advice came to light. Creighton argued it was a "reasonable exercise of due diligence" to rely on plea counsel's advice until she was informed the advice was erroneous. The South Carolina Court of Appeals agrees.)

Applicant emphasizes that the circumstances in this case is identical to those in Creighton. It was a "reasonable exercise of due diligence" to rely on Applicant's 2004 Plea counsel's advice and the terms of the plea agreement until Applicant discovered in 2017 that the advice was erroneous. The South Carolina Court of Appeals found that "Creighton exercised reasonable diligence in relying on plea counsel's advice - even though the advice was erroneous - because Creighton was not required to second-guess plea counsel's advice absent facts that would put her on notice that the advice was erroneous." id

The Creighton Court emphasized that it "found no South Carolina cases discussing or defining "reasonable diligence" as it relates to section 17-27-45(C)." id

Creighton and the case sub Judice does in fact present the

exact circumstance where reasonable diligence is reasonably applied as a defendant is not required to second-guess plea counsel's advice absent facts that would put the defendant on notice that the advice was erroneous. See e.g., Robinson v State, 422 SC 78, 810 SE2d 32 (2018). For a plea hearing to cure deficient advice, as an element of ineffective assistance of counsel, the plea hearing must unambiguously address and resolve the incorrect advice. (See all Exhibits and Memorandums).

Summary Judgment

The Application for PCR should not be dismissed by Summary Judgment, because genuine issues of material fact exist, and this requires Applicant be provided a hearing to resolve disputes.

Cunningham v Anderson County, 414 SC 298, 778 SE2d 884 (2015) - The purpose of summary judgment is to expedite disposition of cases which do not require the services of a fact finder.

In the case sub judice, Applicant has presented facts and evidence. Importantly, although Respondent seeks a motion to Dismiss and a Conditional Order of Dismissal, and Summary dismissal of Applicant's Application for PCR, Respondent fails as it fails to refute conclusively the facts and evidence presented by Applicant.

Delaney v State, 269 SC 555, 238 SE2d 679 (1977) - "Where an

application for post conviction relief alleges specific instances of ineffective assistance of counsel, which allegations are not conclusively refuted by record..., question of fact is raised which can only be resolved by a hearing..."

See Jones v Polk, 401 F3d 257 (4th Cir. 2005) - The very purpose of an evidentiary hearing is to resolve factual disputes that arise when affidavits or other proffered evidence reasonably support competing conclusions.

See Cartrette v State, 323 SC 15, 448 SE2d 553 (1994) - The post conviction relief process is specifically designed to allow for an inquiry into the relevant facts surrounding the adequacy of a defendant's information and/or waiver of rights.

Applicant also seeks that this Court would provide a hearing on the motion as specified in Rule 56(d), SCRCP.

In determining whether any triable issues of fact exist, the evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the non-moving party. Turner v Milliman, 392 SC 116, 122, 708 SE2d 766, 769 (2011). When the burden of proof is by a preponderance of the evidence, a non-moving party need only present a scintilla of evidence to withstand a motion for summary

Judgment. Hancock v Mid-South Mgmt. Co., 381 S.C. 326, 330, 673 SE2d 801, 803 (2009). "Summary Judgment should not be granted even when there is no dispute as to evidentiary facts if there is dispute as to the conclusion to be drawn from these facts." Brockbank v Best Capital Corp., 341 S.C. 372, 378, 534 SE2d 688, 692 (2000). Additionally, because summary Judgment is a drastic remedy, it should be cautiously invoked to ensure a litigant is not improperly deprived of a trial on disputed factual issues. Madison v Babcock Center, Inc., 371 SC 123, 134, 638 SE2d 650, 655 (2006).

See Holmes v East Cooper Community Hosp., Inc., 408 SC 138, 758 SE2d 483 (2014) - Summary Judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law and should not be granted even when there is no dispute as to evidentiary facts if there is disagreement concerning the conclusion to be drawn from these facts.

Lemmons v Macedonia Water Works, Inc., 431 SC 186, 847 SE2d 471 (2020) - Any evidence, even a scintilla, that is useful to withstand a summary Judgment motion

must meet the prerequisite of being probative; a scintilla of evidence is any material evidence which, taken as true, would tend to establish the issue in the mind of a reasonable Juror.

CONCLUSION

Applicant in this pleading and as he incorporates all of his prior pleadings, documents, and exhibits; has provided this Court with undisputable evidence and reasons why this case should not be summarily dismissed.

Applicant has also provided undisputable reasoning why this Court should provide a hearing on this motion, procedural questions, and the merits of this case.

It is well settled that a defendant has the procedural right to one fair bite at the apple. Wilson v State, 348 S.C. 215, 559 SE2d 581 (2002).

Applicant has not received a full bite at the apple because the Applicant was essentially prevented through no fault of his own from fairly presenting his claims and/or having his claims adjudicated in his initial PCR application. See Case v State, 277 SC 474, 289 SE2d 413 (1982); Carter v State, 293 SC 528, 362 SE2d 20 (1987); Washington v State, 324 SC 232, 478

SE2d 833 (1996)

See Matthews v Evatt, 105 F3d 907 (1997) (Discussing the above cases and emphasizing South Carolina's allowance of successive PCR applications in cases involving very rare procedural circumstances)

The case at bar is one of those cases which involve very rare procedural circumstances. See Applicant's Exhibit J - regarding Motion For Stay wherein the United States Magistrates Judge emphasizes that there has not been any cases in this nation which has presented the same procedural irregularities as Jeter's (Applicant's) case.

See Mangal v State, 421 SC 85, 805 SE2d 568 (2017) - There are situations where the interests of justice require post-conviction relief (PCR) courts to be flexible with procedural requirements before PCR applicants suffer procedural default on substantial claims.

Summary Judgment in this case is not appropriate as the facts which are set forth in Respondent's motion (although very limited), are disputed and contested by Applicant in a sufficient manner. See, eg. M&M Group, Inc. v Holmes, 379 S.C. 468, 66 SE2d 262 (2008).

See also, Moore v City of Columbia, 284 SC 278, 326 SE2d 157 (1985) - A litigant is required to plead ultimate facts, not evidence necessary to prove those facts.

Applicant has presented this Court facts which are material and are issues of material fact which are genuine. Applicant does satisfy the requirement of hearings on this motion, procedural questions, and the merits of this case.

See Spriggs v Diamond Auto Glass, 242 F3d 179, 183 (4th Cir. 2001) - A fact is deemed "material" if it "might affect the outcome of the suit under the governing law."

See Anderson v Liberty Lobby, Inc., 477 U.S. 242, 257 (1986) - An issue of material fact is "genuine" if the evidence offered is such that a reasonable jury might return a verdict for the non-movant.

See also, United States v Walker, 423 F. Supp. 3d 281 (2017) - [T]he Founding Fathers intended the wheels of justice to grind slowly and exceedingly fine in order to discern the truth.

Applicant prays this Court would thoroughly review all pleadings, documents, and exhibits filed in this action and and adjudicate in the interest of equity and justice. This would certainly guarantee fairness. Applicant would count it as injustice should the Court's finding be based on an error of law or grounded in factual conclusions

without evidentiary support.

See also Robinson v State, 422 SC 78, 810 SE2d 32 (2018) (The Supreme Court of South Carolina finds troubling an order of the PCR court which contains findings which are flatly contradicted by the record.)

See Jones v Polk, 401 F3d 257 (2005) - ([A]n evidentiary hearing is an instrument to test the truth of facts already alleged...)

See Halsey v Simmons, 432 SC 54, 849 SE2d 578 (2020) - The Due Process Clause requires all parties be given an opportunity to be heard in a meaningful way.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/pro se

This 18th day of December, 2020.

State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

December 22, 2020

Alonzo C. Jeter, III #282902
Tyger River Correctional Institution
200 Prison Road
Enorec, South Carolina 29335

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 28 A 11:02
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Jeter v. State 2019-CP-42-0457

Dear Mr. Jeter:

In response to your December 18, 2020, request for a ten (10) extension, I doubt the Attorney General will object to your request given the difficulty we are all having with delays due to the Covid virus. Therefore, proceed as if your request is granted. In the event the Attorney General has a position reason to assert a time sensitive position, I will gladly hear their objection.

Your December 17, 2020, letter and your December 18, 2020 letter indicate that they have been submitted to the Clerk of Court and to the Attorney General so I am not providing them with a copy of the same.

My strong direction to you is to not further delay the submission of your response to the State's position. All the best to you.

Sincerely,

J. Mark Hayes, II

CC: Honorable Brandy McBee, Clerk of Court
Cherokee County Courthouse
Post Office Drawer 2289
Gaffney, South Carolina 29342

Chelsey F. Marto, Esq., Assistant Attorney General
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211-1549

JMHII/smw

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

December 22, 2020

The Honorable Brandy W McBee
Clerk of Court, Cherokee County
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 28 A 11:01
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Applicant's Objection To Conditional Order of Dismissal, along with a Certificate of Service for the same.

Enclosed, please also find an additional copy of the same along with a self-addressed stamped envelope. Please return to me, file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG
FILE

RECEIVED
DEC 21 2020
TYRCI MAILROOM

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Objection to the Conditional Order of Dismissal on the Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 22nd day of December, 2020, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, Gaffney, South Carolina 29342.

S/
Alonzo C. Jeter, III

SWORN and Subscribed before me
this 22 day of Dec., 2020

Notary Public for South Carolina
My Commission Expires: Dec. 10 2026

SC. Code Ann. § 26-1-10 et. seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

STATE OF SOUTH CAROLINA | IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE | FOR THE SEVENTH JUDICIAL CIRCUIT

Alonzo C. Jeter, III, #282902
APPLICANT,

V

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

RECEIVED
DEC 22 2020
TYGER MAILROOM

CERTIFICATE OF SERVICE

I, Alonzo C Jeter, III, hereby certify that I have served the Applicant's Objection To Conditional Order of Dismissal, on Respondent by placing a copy of the same inside a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 22nd day of December, 2020, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, Gaffney, South Carolina 29342.

FILED IN THE OFFICE OF THE CLERK OF COURT
2020 DEC 28 A 11:10
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

SWORN and Subscribed before me
this 22 day of Dec., 2020

Notary Public for South Carolina
My Commission Expires: Dec. 16 2024

Alonzo C. Jeter, III, #282902
APPLICANT/pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

S.C. Code Ann. § 26-1-10 et. seq.
Matter of Celser, 330 SC 497, 499 SE2d 809 (1998)

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902 APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S OBJECTION TO CONDITIONAL ORDER OF DISMISSAL

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 28 A 11:01
BRANDY N. MCBEE
CHEROKEE COUNTY, SC

Applicant, Alonzo C. Jeter, III, respectfully objects to the Conditional Order of Dismissal filed in this case on December 14, 2020. Applicant received service and notice of this Conditional Order of Dismissal on December 18, 2020, by way and through the Tyger River Correctional Institution, Legal Mail System. As he objects, Applicant submits as follows:

I. DEPRIVATION OF OPPORTUNITY TO REPLY TO PROPOSED ORDER

Applicant filed his Application for Post Conviction Relief (APCR) with the Cherokee County Clerk of Court's office on June 19, 2019, along with a Memorandum In Support of Application For Post-Conviction Relief, Exhibits A thru D, and an Affidavit Of Authenticity. A Certificate of Service was also filed along with these filings which would Certify that Applicant served a copy of all of the filings on the Respondent, on the same date his filings were submitted to the Cherokee County Clerk's office for filing.

As Applicant received a docket No./Case No. for this PCR action which assured him the PCR action was initiated, Applicant submitted other filings by serving on the Respondent and filing with the Cherokee County Court. Applicant served and filed motions as well as Requests For Admission of Genuineness of

Documents.

1. A Request For Admission Genuineness of Documents was served and filed on October 28, 2019. (Regarding Applicant's Exhibits A thru D).

2. A Motion For Appointment of Counsel, Affidavit in Support, and Memorandum In Support of Motion For Appointment of Counsel, was served and filed on August 3, 2020.

3. A Request For Admission of Genuiness of Documents was served and filed on October 22, 2020. (Regarding Applicant's Exhibit L).

4. A Motion For Hearing was served and filed on November 20, 2020.

As of the time of filing this Objection to Conditional Order of Dismissal, the Court has not acknowledged, addressed, or adjudicated upon neither of these motions or requests.

In contrast, the Respondant has not taken any action on this PCR action until the month of December of year 2020, when it filed its Return And Motion To Dismiss along with a proposed Conditional Order of Dismissal; all on the same date.

Applicant emphasizes and objects as he has been deprived of an opportunity to reply to the proposed Conditional Order of Dismissal prior to the Judge's signing.

The commentary to South Carolina Appellate Court Rule 501, Canon 3B(7)(e) provides that "[a] Judge may

request a party to submit proposed findings of fact and conclusions of law, so long as the other parties are apprised of the request and are given an opportunity to respond to the proposed findings and conclusions."

Further, in Pruitt v State, 310 SC 254, 423 SE2d 127 (1992), the Supreme Court of South Carolina directed that:

> [C]ounsel preparing a proposed order should be meticulous in doing so, opposing counsel should call any omissions to the attention of the PCR Judge prior to issuance of the order, and the PCR Judge should carefully review the order prior to signing it...

310 SC 254, 256, 423 SE2d 127, 128 (1992).

Further, see also, S.C. Code Ann. §17-27-70(b), which specifies:

> When a court is satisfied, on the basis of the application, the answer or motion, and the record, that the applicant is not entitled to post-conviction relief and no purpose would be served by any further proceedings, it may indicate to the parties its intention to dismiss the application and its reasons for so doing. The applicant shall be given an opportunity to

reply to the proposed dismissal.

In this instance, Applicant has not been provided equitable opportunity to respond to the **proposed** findings and conclusions as provided for in Rule 501, SCACR, Canon 3B(7)(e); call any omissions to the attention of the PCR Judge prior to issuance of the order (Pruitt v State, 310 SC 254, 256, 423 SE2d 127, 128 (1992); nor reply to the proposed dismissal, as provided for in S.C. Code Ann. §17-27-70(6).

See also Fishburne v State, 427 SC 505, 832 SE2d 584 (2019) - The preparation and finalization of a PCR order is often a collaborative effort. When counsel for either side prepares the proposed order, the order must include findings of fact and conclusions of law as to all issues raised by an applicant. A copy of the proposed order should be transmitted to opposing counsel. Opposing counsel should promptly review the proposed order and alert preparing counsel and the PCR court as to any deficiencies in the proposed order. Because the PCR Judge will ultimately be signing the order, the PCR Judge must carefully review the proposed order to ensure it includes

appropriate findings of fact and conclusions of law as to all issues raised. Fishburne, 427 SC 505, 832 SE2d 584 (2019).

In the case sub judice, Applicant was not ever afforded opportunity to participate in a collaborative effort with regard to the proposed order. See Fishburne, Id. - [The Supreme Court of South Carolina] recognize the prevailing party often prepares a proposed order for the PCR court. See Hall v Catoe, 360 SC 353, 365, 601 SE2d 333, 341 (2004) ("[I]t is common practice for Judges to ask a party to draft a proposed order for the sake of efficiency.")

Consequently, as Applicant was not afforded opportunity to participate and reply to the proposed order; the proposed order rather functioned as ex parte communications and ultimately advocates for the Respondent and its position in this case.

The proposed Conditional Order of Dismissal has been adopted in full, without alterations, by the PCR Court. The PCR Court has erred in adopting the proposed order as the order fails to acknowledge, address and adjudicate regarding the issues of material fact. The blatant disregard of the filings

Which Applicat has submitted in this case, failure to acknowledge, refute, and discuss the facts and material issues and genuine issues, material evidence which is abundantly submitted in this case for review, serves and provides great insight that the PCR Court has not rendered an independent Judicial review of this case and its filings, nor rendered its independent Judgment on the matters thereof.

See Rule 501, SCACR, Canon 3B(5) - A Judge shall perform Judicial duties without bias or prejudice. A Judge must perform Judicial duties impartially and fairly. A Judge must be alert to avoid behavior that may be perceived as prejudicial.

See Rule 501, SCACR, Canon 3B(7) - A Judge shall accord to every person who has a legal interest in a proceeding... the right to be heard according to law. See also Canon 3B(7)(a)(i).

Simply put, Applicat objects as the Conditional Order of Dismissal clearly does not reflect the filings Applicat has submitted in this case. This Court has clearly not rendered an independent review of this case, and consequently an insufficient and unreasonable order has been signed. (See also Exhibit J).

II FURTHER OBJECTIONS

Applicant incorporates by reference his Memorandum In Support of Post-Conviction Relief, Supplemental Memorandum In Support of Post-Conviction Relief, Motion for Appointment of Counsel, Memorandum In Support of Motion for Appointment of Counsel, Motion For Hearing, all Exhibits (A thru L), Applicants Reply to Respondents Return and Return To Respondents Motion To Dismiss, and all other filings in this case.

III Newly Discovered Evidence

Applicant has clearly indicated and asserted within the filings of this case and Memorandum In Support of Application For Post-Conviction Relief that he discovered both that the State would choose to unmerge his 2004 possession of less than a gram of crack cocaine, 1st offense conviction; and the fact that the State would choose to do this years later as 2004 Plea Counsel failed to ensure that the specific terms of the plea agreement was written upon the 2004 sentencing sheet (newly discovered ineffective assistance of counsel claim). (See also Exhibits A thru L)

Applicant has also clearly informed exactly when and how the discoveries were made. Applicant discovered these issues on or about June 19, 2017, as the issues

another PCR proceeding (PCR Case No. 2016-CP-11-0293) regarding other matters. (See Memorandum In Support of Application For Post-Conviction Relief). (*See Exhibits E thru H, and Exhibit J) (See all Exhibits and filings)

As Applicat brings this action under the newly discovered evidence rule which exists within the Uniform Post-Conviction Procedure Act, specifically S.C. Code Ann. 17-27-45(C), and does provide the court material evidence thereof which is substantial and abundant, this matter must not be summarily dismissed.

IV Statute of Limitations

As Applicat has filed an Application for Post-Conviction Relief based upon newly discovered evidence, the Statute of limitations would only apply if Applicat failed to file his Application for Post-Conviction Relief "within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence." S.C. Code Ann. §17-27-45(C).

Applicant filed an Application for Post-Conviction relief shortly after making his discovery (Prior PCR Case No. 2017-CP-11-0486). Therefore Applicat has initiated a timely PCR Action. In the current PCR

Application, Applicant raises the issue of ineffective assistance of 2004 PCR counsel. The issue raised continues to be timely as it relates back to Applicants prior PCR Application, PCR Case No. 2017-CP-11-0486. Although Applicant raises the same issue of ineffectiveness that he raised in his prior 2017-CP-11-0486 PCR Application, Applicant will show below why this PCR Application is not Successive or barred as Successive, and also why the issues are not barred by the doctrine of res Judicata.

V SUCCESSIVENESS

Respondent argues Applicants Application for Post-Conviction Relief is successive. In making its argument, Respondent is especially careful not to state that Applicant has raised his ineffective issue in his prior PCR Case No. 2017-CP-11-0486. In fact, in arguing Successiveness, the Respondent does not provide any facts regarding Applicants case(s). There are no facts but only citings of law, which do not apply to the circumstances of this case. There are no sufficient findings of fact with regard to successiveness, and the argument amounts to nothing more than conclusory Jargon. This matter must not be summarily dismissed based on successiveness, as albeit Applicant raised

the issue of ineffective assistance of 2004 PCR counsel in his prior PCR Case No. 2017-CP-11-0486; the PCR Court failed to rule on the issue as it declined to acknowledge the issue.[1]

Furthermore, as Applicant's previous application was filed without the benefit of counsel as required by Rule 71.1(d) and Gary v State, 347 SC 627, 557 SE2d 662 (2001); due to lack of specificity, this application is not barred by any successiveness as it warrants a hearing notwithstanding.

Applicant's Application for PCR consists of the same irregularities as Case v State, 277 SC 474, 289 SE2d 413 (1982), and therefore this case presents one of the rare exceptions of extraordinary circumstances. See eg. Woods v State, Appellate Case No. 2019-001713 (2019) (SC Supreme Ct.).

Applicant's issue is not successive, and is instead ripe for this Court's review. (See Memorandum In Support of Application for Post-Conviction Relief and Supplemental Memorandum In Support of Application For Post-Conviction Relief).

1 Court's failure to acknowledge and adjudicate, after reviewing the filings in this case, upon Applicant's ineffective issue and material evidence could very easily be repeated if the PCR Court would fail to make independent review and adjudicate impartially. See Robinson v State, 422 SC 78, 810 SE2d 32 (2018) (Footnote #2); See Hall v Catoe 360 SC 353, 601 SE2d 335 (2004). (See also Exhibit J).

VI Res Judicata

Respondent also argues this application is barred by the doctrine of res Judicata. However, Responded fails to establish res Judicata.

See Plum Creek Dev. Co. v City of Conway, 334 SC 30, 34, 512 SE2d 106, 109 (1999) ("To establish res Judicata, the defendant must preve the following three elements: (1) identity of the parties; (2) identity of the subject matter; and (3) adJudication of the issue in the former suit.") (emphasis added).

Respondent submits more conclusory Jargon and in doing so, fails to point to any instance where a ruling on the merits of the ineffective assistance of 2004 PCR counsel has been provided. Quite to the contrary, Applicant has provided material evidence which is strict proof that the merits of this claim has not been addressed Responded continues to decline to discuss any evidence which Applicant has presented in this case.

As Respondent fails to preve the necessary elements to establish res Judicata, this application shall not be summarily dismissed as barred by the doctrine of res Judicata. (See all of Applicants filings which are uncontested)

VII Burden of Proof and Hearing

For these reasons, Applicant Objects to the Conditional Order

of Dismissal. This Order does not acknowledge, address or resolve the issues which are genuine issues of material fact which exist.

The Procedural questions and merits of this case require a hearing. It would be an err of this Court, to dismiss this PCR action summarily without a hearing as genuine issues of material fact exists as to the procedural questions and the merits. See McCoy v State, 401 SC 363, 737 SE2d 623 (2013).

See Wilson v State, 348 SC 215, 559 SE2d 581 (2002) - A defendant has the procedural right to one fair bite at the apple. The Court should not apply the wrong standard.

Since post-conviction relief is a civil action, the burden of proof is on the applicant, who must establish his grounds for relief by a preponderance of the evidence. SCRCP, Rule 71.1(e) - The applicant has the burden of establishing his entitlement to relief by a preponderance of evidence; See Frasier v State, 351 SC 385, 389, 570 SE2d 172, 174 (2002) - The PCR Applicant bears the burden of proving his allegations by a preponderance of the evidence. (citing Rule 71.1(e), SCRCP).

See S.C. Prop. & Cas. Guar. Ass'n v Yensen, 345 SC

512, 518, 548 SE2d 880, 883 (Ct. App. 2001) - "At the summary judgment stage of litigation, the court does not weigh conflicting evidence with respect to a disputed material fact."

Hancock v. Mid-S. Mgmt. Co., 381 SC 326, 330, 673 SE2d 801, 803 (2009) - "In cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment."

Radcliffe v. S. Aviation Sch., 209 SC 411, 420, 40 SE2d 626, 630 (1946) ("A scintilla of evidence is any material evidence that, if true, would tend to establish the issue in the mind of a reasonable jury." (emphasis in original) (quoting In re Crawford, 205 SC 72, 30 SE2d 841, 849 (1944))).

See Bethea v. Floyd, 177 SC 521, 181 SE 721, 724 (1935) (defining "scintilla" as the smallest trace).

Applicant has presented, at the very least, a scintilla of evidence of genuine issue of material facts. Impeachment evidence cannot be disputed or refuted by Respondent. Applicant's filings and exhibits provide substantial evidence

See Cartrette v State, 323 SC 15, 448 SE2d 553 (1994) - The post conviction relief process is specifically designed to allow for an inquiry into the relevant facts surrounding the adequacy of a defendant's information and/or waiver of rights.

See all of Applicant's filings in this case.

Jones v Polk, 401 F3d 257 (4th Cir. 2005) - The very purpose of an evidentiary hearing is to resolve factual disputes that arise when affidavits or other proffered evidence reasonably support competing conclusions.

VIII Hearing on Procedural Questions

Applicant is entitled to a hearing on the procedural questions. See e.g., McCoy v State, 401 SC 363, 737 SE2d 623 (2013); Sanders v U.S., No. 0:06-3175-MGS-BM, (D.S.C. 1994), 2008 WL 413666; Deleston v South Carolina, No. 6:06-331-DCN-WMC (D.S.C. 2007); Gamble v State, 298 SC 176, 379 SE2d 118 (1989); Coats v State, 352 SC 500, 575 SE2d 557 (2003); Tudor v Rushton, C/A No. 2:06-0342-RBH, (D.S.C. 2007); 2007 WL 4856866.

Pelzer v State, 378 SC 516, 662 SE2d 618 (2008); Sharper v State, 279 SC 264, 305 SE2d 247 (1983).

IX Hearing On the Merits

Applicant is entitled to a hearing on the merits. See e.g., Roger v State, 261 SC 288, 199 SE2d 761 (1973); Chambers v State, 262 SC 202, 203 SE2d 426 (1974); Coardes v State, 262 SC 493, 206 SE2d 264 (1974); Delaney v State, 269 SC 555, 238 SE2d 679 (1977).

CONCLUSION

(The South Carolina Supreme Court finds troubling an order of the PCR court which contains findings that are flatly contradicted by the record.) Robinson v State, 422 SC 78, 810 SE2d 32 (2018) (Footnote #2).

This Application for PCR should not be summarily dismissed as genuine issues of material facts exists. Applicant objects to the Conditional Order of Dismissal.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/pro se

This 22nd day of December, 2020.

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DEC 08 2020
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Chelsey F. Marto, AAG
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211-1549

Alonzo C. Jeter, #282902
Dorm-Room-Bunk: U9-0202-B
Tyger River Correctional
200 Prison Road
Enoree, South Carolina 29335

7 218

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 28 A 11:01
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

168

Mrs. Brandy W. McBee
Clerk Of Court, Cherokee County
Post Office Drawer 2289
Gaffney, S.C. 29342

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Alonzo C. Jeter, #282902
200 Prison Road Tyger River CI
U9-0202-B
Enoree, SC 29335

29335-271900

19-457

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 28 A 11:01
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

163

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

January 14, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN THE OFFICE
CLERK OF COURT
2021 JAN 22 A 10:57
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III v. State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the APPLICANT'S EXHIBIT M, and AFFIDAVIT OF AUTHENTICITY, along with a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents, by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S EXHIBIT M

FILED IN THE OFFICE OF CLERK OF COURT
2021 JAN 22 A 10:58
BRANDY W. HIBBERD
CHEROKEE COUNTY, SC

The Applicant, Alonzo C. Jeter, III, #282902, hereby submits the following as Exhibit M in this case. (Six (6) pages)

Pages 1-6

1-M-1 - Correspondance of Eva Cook - Legal Assistant of the South Carolina Office of the Attorney General to Janice Kenealy - Office of Inmate Records of the South Carolina Department of Corrections, dated June 26, 2019.

2-M-2 - Applicant's South Carolina Department of Corrections Records, which include: SCDC Offender Management System - Release Date Screen (dated July 10, 2019), Applicant's SCDC - Classification Summary Reports (dated July 10, 2019).

State v Carleson, 363 SC 586, 611 SE2d 283 (2005) - (The burden is on the [Applicant] to provide a sufficient record for review); Harkins v Greenville County, 340 SC 606, 533 SE2d 886 (2000) (noting the [Applicant] has the burden of presenting an adequate record on appeal); See also S.C. Code Ann. §17-27-40, 50 et seq.

Respectfully submitted,

Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 14th day of January, 2021.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 AFFIDAVIT OF AUTHENTICITY

FILED IN THE OFFICE
CLERK OF COURT
2021 JAN 22 PM 5:00
BRANDY WADE
CHEROKEE COUNTY SC

I, Alonzo C. Jeter, III, 282902, Applicant, hereby certify that the following documents/reports, which are submitted as Exhibit M ((6) Six pages) in this case, are in-fact true and correct copies of the official documents/report of the South Carolina Department of Corrections, and are in-fact the exact records which the Respondent in this case attached and incorporated within its Return and Motion to Dismiss, dated December 2, 2020. (see page 5 of Respondent's Return, dated December 2, 2020).

- Exhibit M - Correspondance of SC Office of the Attorney General to SCDC's Office of Inmate Records (dated June 26, 2019), and Applicant's SCDC records (SCDC - OMS - Release Date Screen and Classification Summary Reports (dated July 10, 2019)).

I further certify that the above statement is both true and correct.

Respectfully submitted,
This 14th day of January, 2021.

Alonzo C. Jeter, III
APPLICANT/pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
this 19 day of JAN, 2021

Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

S.C. Code Ann. § 26-1-10 et seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III,
#282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN THE OFFICE
CLERK OF COURT
2021 JAN 22 P 2:58
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

I, Alonzo C. Jeter, III, hereby certify that I have served the APPLICANT'S EXHIBIT M, and AFFIDAVIT OF AUTHENTICITY; on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 14th day of January, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, SC Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 14 day of JAN., 2021

Notary Public for South Carolina
My Commission Expires: Dec. 2029

s/

Alonzo C. Jeter, III, #282902
APPLICANT/pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

S.C. Code Ann. §26-1-10 et seq.
Matter of Celsor, 330 SC 497, 499 SE2d 809 (1998)

ALAN WILSON
ATTORNEY GENERAL

June 26, 2019

Janice Kenealy
Office of Inmate Records
SC Department of Corrections
Post Office Box 21787
Columbia, South Carolina 29221

RE: Alonzo Columbus Jeter, III (Spartanburg) #282902

Dear Ms. Kenealy:

Please forward us a copy of the Department of Corrections records for the above individuals. Thank you for your assistance.

Sincerely,

Eva Cook
Legal Assistant

169

CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 07/10/19
OMCOMITA RELEASE DATE SCREEN C056427
SCDC# > 282902 LOC: **TYGER RIVER**
JETER III, ALONZO COLUMBUS SCDC CLASSIFICATION..: **VIOLENT**
OFFENDER TYPE...: **ADULT-STRAIGHT SENTENCE** SEXUAL REGISTRY..: **N**
SEXUAL PREDATOR..: **NOT APP**
DNA STATUS.....: **COMPLETED**
GPS REQUIREMENT..: **N**
PREA DECISION....:
PREA VICTIM.....: **HIGH VULNERABLE** PREA PERP..: **NONE**
CURRENT SENTENCE: **015-00-000** CONSECUTIVE SENTENCE ..: **N**
015-00-000 CURRENT SENT START DATE: **03/31/2015**
PROJECTED COMPLETION DATES
MAXOUT DATE .....: **12/26/2027** CURRENT EWC .: **2 F 5**
YOA SIX YEAR DATE: **/ /** CURRENT EEC .: **B7**
INITIAL PAROLE DATE: **00/00/0000** NEXT PAROLE HEARING DATE: **00/00/0000**

TOTAL GT DAYS EARNED .....: **000000** LABOR CREW/WORK PROG DATE: **99/99/9999**
TOTAL EARNED WORK CREDITS ..: **000549** LABOR CREW DISQ REASON:
TOTAL EDUCATION CREDITS ....: **000219** **CATEGORY 4 OR 5 OFFENSE**
TOTAL EXTRA EARNED CREDITS .: **000** SUPERVISED REENTRY DATE..: **00/00/00**
TOTAL SERVICE TIME EARNED ..: **001540** ISS.....:

PFKEYS: 5:HISTORY OF DATE CHANGES

170

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, July 10, 2019

Classification Summary Reports

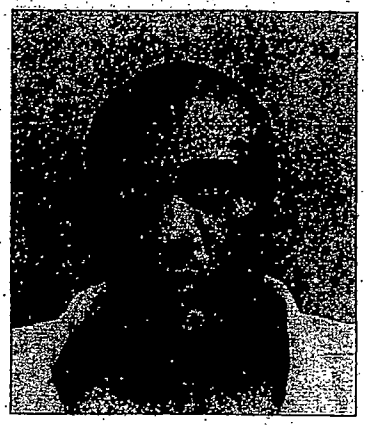
Inmate Number 282902 Submit

Classification Summary Report for JETER III, ALONZO COLUMBUS :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 07/10/2019

SCDC# 00282902 JETER III, ALONZO COLUMBUS FBI# 693754XA2



OFFENDER ADULT-STRAIGHT TYPE: SENTENCE

INSTITUTION: TYGER RIVER

SECURITY/CUST: 2 MINIMUM IN

CURR INCARC SENT: 15 YRS 0 MOS 0 DAYS

VICTIM WITNESS: [redacted] SEPREQ:N

MED CLASS: [redacted]

INST RESTRICT: OUTPATIENT MENTAL HEALTH

MENTAL CLASS: [redacted]

CURRENT PROGRAM: NO CURRENT PROGRAM

SEX REGISTRY: N

DNA: C

AGE: 41

RESIDENT STABILITY: NA

DORMROOMBUNK_CODE: U7 0101 B

PROJ MAXOUT DATE: 12/26/2027

PROJ PAROLE DATE:

EWC JOB: CHAPLAIN ASSISTANT

ASSIGNMENT: CHAPEL

EWC LEVEL: 2F5 EEC LEVEL:

EDUC PGM: MASONRY (ABE)

SECURITY THREAT GROUP DESCRIPTION: NONE

SECURITY THREAT GROUP STATUS: NONE

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

171

CURRENT OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
DIST., ETC METH. 2ND	15	0	0	CHEROKEE	03/31/2015	N	4	15GS11-00461
DIS/SELL/PUR CON SUB SCH	10	0	0	CHEROKEE	03/31/2015	N	3	15GS11-00462
DIST., ETC METH. 2ND	15	0	0	CHEROKEE	03/31/2015	V	4	15GS11-00463
DIS/SELL/PUR CON SUB SCH	10	0	0	CHEROKEE	03/31/2015	N	3	15GS11-00464
TRAFFICK METH 10-28GR 2	15	0	0	CHEROKEE	03/31/2015	V	4	15GS11-00465

COMPLETED OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	V/NV	CAT	INDICT
HABITUAL TRAFFIC OFFENDE	1	0	0	CHEROKEE	04/27/2008	N	2	08GS11387
DRIVING INFLUENCE LIQUOR	0	5	0	CHEROKEE	06/14/2005	N	2	03GS11-397
CRACK POSSESS	2	0	0	CHEROKEE	06/14/2005	N	2	04GS11-926
FAIL TO STOP FOR OFFICER	1	0	0	CHEROKEE	02/23/2002	N	2	01GS11283

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

03/08/2006	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

10/16/2018	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
08/01/2018	PERRY	INCARCERATED	RETURN FROM COURT
08/01/2018	CHEROKEE CO	AUTH ABSENCE (AWL)	TO COURT
09/18/2017	PERRY	INCARCERATED	ADMINISTRATIVE
09/18/2017	KIRKLAND	INCARCERATED	MEDICAL
07/31/2017	PERRY	INCARCERATED	ADMINISTRATIVE
07/31/2017	KIRKLAND	INCARCERATED	MEDICAL
06/30/2017	PERRY	INCARCERATED	RETURN FROM COURT
06/30/2017	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT

172

06/19/2017	PERRY	INCARCERATED	ADMINISTRATIVE
06/19/2017	KIRKLAND	INCARCERATED	MEDICAL
03/20/2017	PERRY	INCARCERATED	RETURN FROM COURT
03/20/2017	SPARTANBURG CO	AUTH ABSENCE (AWL)	TO COURT
10/03/2016	PERRY	INCARCERATED	ADMINISTRATIVE
10/03/2016	KIRKLAND	INCARCERATED	MEDICAL
08/04/2016	PERRY	INCARCERATED	ADMINISTRATIVE
08/04/2016	KIRKLAND	INCARCERATED	MEDICAL
03/07/2016	PERRY	INCARCERATED	ADMINISTRATIVE
03/07/2016	KIRKLAND	INCARCERATED	MEDICAL
12/21/2015	PERRY	INCARCERATED	ADMINISTRATIVE
12/21/2015	KIRKLAND	INCARCERATED	MEDICAL
12/07/2015	PERRY	INCARCERATED	ADMINISTRATIVE
12/07/2015	KIRKLAND	INCARCERATED	MEDICAL
10/01/2015	PERRY	INCARCERATED	ADMINISTRATIVE
10/01/2015	KIRKLAND	INCARCERATED	MEDICAL
09/09/2015	PERRY	INCARCERATED	ADMINISTRATIVE
07/22/2015	KIRKLAND	INCARCERATED	NEW ADMISSION
11/13/2010	UNK	RELEASE	PROB/CS/EPA COMPLETE
10/31/2008	CHEROKEE CO	PROBATION	RELEASED TO PROBATION
10/02/2008	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
08/19/2008	KIRKLAND	INCARCERATED	R&E PROCESSING
08/19/2008	PERRY	INCARCERATED	NEW ADMISSION
06/30/2006	UNK	RELEASE	EXPIRATION OF SENTENCE
06/28/2005	KIRKLAND	INCARCERATED	R&E PROCESSING
06/28/2005	PERRY	INCARCERATED	NEW ADMISSION
09/05/2002	UNK	RELEASE	EXPIRATION OF SENTENCE
06/07/2002	TRENTON	INCARCERATED	ADMINISTRATIVE
06/07/2002	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
04/10/2002	TRENTON	INCARCERATED	ADMINISTRATIVE
03/27/2002	KIRKLAND	INCARCERATED	R&E PROCESSING
03/27/2002	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
CHAPLAIN ASSISTANT	03/05/2019	-		2F5
MACHINE OPERATOR	02/14/2019	03/04/2019	LATERAL TRANSFER	2F5
CHAPLAIN ASSISTANT	02/12/2019	02/13/2019	LATERAL TRANSFER	2F5
LIBRARY HELPER	12/01/2016	10/16/2018	INSTIT TRANSFER	2F5
RECREATION AIDE	05/16/2016	11/30/2016	LATERAL TRANSFER	2F5
RECREATION AIDE	09/10/2015	05/15/2016	LATERAL TRANSFER	2P5
STOP PROGRAM	10/08/2008	10/31/2008	RELEASED/PAROLED	2F5
CHAPLAIN ASSISTANT	08/04/2005	06/30/2006	RELEASED/PAROLED	2F5
LIBRARIAN/BOOKMOBILE OPER	04/20/2002	09/05/2002	RELEASED/PAROLED	2F5
TEACHER AIDE	04/19/2002	04/19/2002	INMATE REQUEST	2F5
TEACHER AIDE	04/12/2002	04/18/2002	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 15 OR MORE	04/08/2019	- -	

********** END OF REPORT **********

173

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[Version: *1.4.16* Built: *06/21/2018 03:28:42 PM* Time: *12:49:25 PM*]

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT,	Case No. 2019-CP-11-0457
State of South Carolina, RESPONDENT,	APPLICANT'S EXHIBIT M

FILED IN THE OFFICE
CLERK OF COURT
2021 MAR 29 A 11:46
BRANDY W. MOBLEY
CHEROKEE COUNTY, SC

The Applicant, Alonzo C. Jeter, III, #282902 hereby submit the following as Exhibit in this case. See State v Carleson, 363 SC 586, 611 SE2d 283 (2005) The burden is on the [Applicant] to provide a sufficient record for review.

Page
1 Exhibit M - Order dated January 14, 2020, in case Jeter v Tucker, 2:19-cv-1945-MGL-MGB regarding Motion to Appoint Counsel and Motion to Compel.

See Andrews v South Carolina Department of Corrections, C/A No. 8:20-cv-2633-BHH-JDA (D.S.C. 2020), 2020 WL 4738327 ("The Court is permitted to take Judicial notice of the records in [Applicant's] cases.

s/
Alonzo C. Jeter, III, #282902
APPLICANT

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 25th day of March, 2021.

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Alonzo C. Jeter, III, # 282902, Petitioner, v. Barry Tucker, Respondent.	)	Case No. 2:19-cv-1945-MGL-MGB **ORDER**

This habeas matter is before the Court on Petitioner Alonzo Jeter's motion to appoint counsel and his motion to compel (Dkt. Nos. 30 & 31). The Court denies the motion to appoint counsel. The motion to compel is granted in part and denied in part.

I. Motion to Appoint Counsel

Jeter asks the Court to appoint him a lawyer so that he can receive assistance on what he calls an exceptionally complex case. (Dkt. No. 30 at 2–3.) However, as Jeter acknowledges, there is no constitutional right to counsel in habeas cases. (*See id.* at 1.) And although Jeter's case is somewhat unusual, Jeter has ably represented himself so far. Thus, his motion is **denied** without prejudice to request counsel again if circumstances change.

II. Motion to Compel

Last October, the Court determined the Warden failed to file relevant state-court records, as Rule 5 of the Rules Governing § 2254 Cases requires. (Dkt. No. 27 at 2.) The Court ordered the Warden to file those records and to also promptly file all additional documents that may be submitted in any of Jeter's PCR cases. (*Id.*)

In response, the Warden submitted several additional documents. (*See* Dkt. No. 29.) Jeter then moved to compel, asserting there were other documents that the Warden needed to file. (Dkt.

No. 31.) The Warden responded to the motion by filing nineteen more documents from Jeter's pending PCR appeal. (Dkt. No. 35.) In a reply brief, however, Jeter has identified twelve more documents that are still missing. (Dkt. No. 37.)

For the most part, Jeter has resolved his own complaint; he attached to his reply brief seven out of the twelve documents at issue. (*Compare* Dkt. No. 37 at 3 *with* Dkt. No. 37-1.) And the Warden submitted another one of the documents—Jeter's *pro se* certiorari petition in his pending PCR appeal—last September. (*See* Dkt. No. 18-2.) Jeter's motion is therefore **denied** as to those documents, which are listed as items 2 and 7–13 in his reply brief.

The remaining four documents at issue are the original certiorari petition in his pending PCR appeal and three documents Jeter submitted in a new PCR case he filed last June. Jeter is right to assert that the Warden should have provided these documents. Rule 5(d)(1) requires the Warden to file with his answer "any brief that the petitioner submitted in an appellate court . . . or in a post-conviction proceeding." At the very least, that rule covers the original certiorari petition from the PCR appeal and a brief Jeter attached to his pending PCR application. The Warden's omission of these documents is bizarre. The Warden quoted the certiorari petition in his motion for summary judgment (*see* Dkt. No. 18 at 20), and yet he did not provide it to the Court. As for the missing PCR brief, the document was clearly part of Jeter's application. When the Warden moved for summary judgment, he filed the application itself and its exhibits, but not the brief. (*See* Dkt. No. 18-9.)

The other two documents from Jeter's pending PCR case were created after the Warden filed his summary judgment motion and after the Court issued its October 3 order. Rule 5 requires respondents to include with their answers briefs the petitioner "submitted," which suggests the rule might apply only to documents in existence when a respondent files his answer. However, the

Court need not decide whether the rule also covers documents filed in state court after the respondent in a § 2254 case has answered the petition. In the October 3 order, the Court stated that the Warden had a continuing duty to supplement the record with documents submitted pending PCR cases and directed him to promptly file anything that is submitted in those cases. (Dkt. No. 27 at 2.) The Warden's failure to file the two documents, which Jeter submitted to the PCR court at the end of last October, does not comply with that directive.

The documents at issue are all readily available to the public online, and the undersigned read them before issuing this order and before issuing her report and recommendation regarding the Warden's summary judgment motion and Jeter's motion to stay. Thus, the Warden's omissions have not prejudiced Jeter. Nonetheless, they are disconcerting, to say the least, and this Court's record should include all state-court materials that the undersigned read (and that should have been part of the record). Therefore, Jeter's motion to compel is **granted** as to items 1, 3, 5, and 6 on his reply brief. The Warden shall file the four missing documents by January 17, 2020. The undersigned reminds the Warden of his continuing duty to supplement this Court's record with any documents that may be filed in the pending PCR matters.

IT IS SO ORDERED.

Mary Gordon Baker

MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE

January 14, 2020
Charleston, South Carolina

178

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2021

Ms. Kimberly Leskanic, Esq.
7th Circuit Solicitor
125 E. Floyd Baker Boulevard
Gaffney, SC 29342

RECEIVED
JAN 26 2022
MCI MAIL ROOM

RE: Appointment of Counsel in PCR Actions & Motions Hearings

Dear Honorable Leskanic.

I write seeking that your office would provide clarity to me with regard to the appointment of counsel and hearing of motions filed by indigent pro se applicants in PCR matters. Please inform me regarding the following:

1. When an indigent applicant files an Application for Post-Conviction, pro se, who appoints and determines if counsel will be appointed or not?

2. When a pro se applicant files motions to be heard, and the application is challenged as being successive or untimely, who makes the determination as to whether the motions will be heard or not?

3. Who schedules the hearing and adjudication of motions filed in PCR actions?

4. If it is the Office of the Attorney General who schedules any matters in PCR actions, what Court Rules, statutes, or other authorities does the Office of Attorney General and Court rely which support this?

Thank you for your assistance in this matter. Sincerely,

Alonzo C. Jeter, III

State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

March 4, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

RE: 2019-CP-11-0457

Dear Mr. Jeter:

Please be advised that I have reviewed the documents you requested in your letter of December 17, 2020.

Respectfully,

J. Mark Hayes, II

CC: Chelsey F. Marto, SC Attorney General PCR Division
SC Attorney General Office PCR Division
1000 Assembly Street, Room 519
Columbia, South Carolina 29201

The Hon. Brandy W. McBee
Clerk of Court – Cherokee County
PO Drawer 2289
Gaffney, SC 29342

JMHII/smw

FILED IN THE OFFICE
CLERK OF COURT
2021 MAR -8 A 11: 14
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

March 25, 2021

The Honorable Brandy W McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed, please find for filing the: Supplemental Amendment To Application For Post-Conviction Relief; Applicant's Supplemental Response To Respondent's Return & Respondent's Motion To Dismiss & Conditional Order of Dismissal; along with a Certificate of Service for the same, (along with Exhibit M).

Enclosed, please also find an additional copy of the same along with a self-addressed stamped envelope. Please return to me file-stamped copies of these filings by way of the provide SASE.

Thank you for your attention in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN THE OFFICE
CLERK OF COURT
2021 MAR 29 A 11:45
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

cc: Chelsey F. Marto, Esquire
FILE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-045

CERTIFICATE OF SERVICE

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BRANDY W. MCBEE
CHEROKEE COUNTY, SC

I, Alonzo C Jeter, III, Applicant, hereby certify that I have served a copy of the: Supplemental Amendment To Application For Post-Conviction Relief, Applicant's Supplemental Response To Respondent's Return, & Respondent's Motion To Dismiss & Conditional Order of Dismissal, and Applicant's Exhibit #1; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel, on this 25th day of March, 2021, for mailing via the United States Mail, addressed as follows: Office of the Attorney General, Attn: Chelsey F. Marto, Esquire, PCR Division - Seventh Circuit, P.O. Box 11549, Columbia, South Carolina 29211; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 25th day of MARCH, 2021

Notary Public for South Carolina
My Commission Expires: 12.10.202[illegible]

s/

Alonzo C. Jeter, III, #282902
APPLICANT
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT,	Case No. 2019-CP-11-0457
State of South Carolina, RESPONDENT.	SUPPLEMENTAL AMENDMENT TO APPLICATION FOR POST-CONVICTION RELIEF - RULE 15, SCRCP

Applicant, Alonzo C. Jeter, III, submits hereby, a supplemental amendment to the Application for Post-Conviction Relief which was filed on June 19, 2019. Applicant does not wish to abandon any grounds or facts for PCR which has already been brought forth by way of the Application. In adding additional ground(s) and facts, Applicant submits as follows:

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(C) Due Process Violation and of Equal Protection
S.C. Constitution Art. I, §3
Fifth and Fourteenth Amendments to the United States Constitution
Turner v State, 384 SC 451, 682 SE2d 792 (2009)

11. State concisely and in the same order the facts which support each of the grounds set out in (10).

(C) 1. Applicant was not provided PCR Counsel pursuant to Cary v State, 347 SC 627, 557 SE2d 662 (2001) when the State moved for summary dismissal.

2. Applicant was not provided Counsel to assist in filing nor perfecting his appeal of summary dismissal, pursuant to Odom v State, 337 SC 256, 523 SE2d 753 (1999).

3. Applicant was not afforded a hearing as to the genuine issues of material fact with regard to the procedural questions and affirmative defenses, pursuant to McCray v State, 401 SC 363, 737 SE2d 623 (2013).

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2021 MAR 29 A 11:45
BRANDY WINCHEE
CHEROKEE COUNTY, SC

4. Applicant was not afforded a hearing as to the genuine issues of material fact with regard to the merits of the case, pursuant to Chambers v State, 262 SC 202, 203 SE2d 426 (1974); Delaney v State, 269 SC 555, 238 SE2d 679 (1977).

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
(a) iii Petition for Federal Habeas Corpus Relief §2254, filed on July 10, 2019, C/A No. 2:19-1945-MGL
(b) U.S. District Court for South Carolina, Columbia SC
(c) Petition Dismissed Without Prejudice
(d) March 5, 2020
(e) Jeter v Tucker, C/A No. 2:19-CV-1945-MGL-MGB (DSC 2020), 2020 WL 1102231

14. Yes

15. (a) i Ineffective Assistance of Counsel - 2004 Plea Counsel's failure to ensure terms of agreement and sentence were written on sentencing sheet for clarification; failure to submit motion for clarification of agreement and sentence
ii Due Process - Applicant not afforded Counsel or hearing

(b) i Application for PCR (Amended) - Case No. 2017-CP-11-0486
ii Petition for Federal Habeas Corpus, C/A No. 2:19-CV-1945-MGL-MGB
Petition for Writ of Certiorari, (Rule 243(c), Case No. 2018-001471

17. (e) No - Application for PCR - Case v State, 277 S.C. 474, 289 SE2d 413 (1982)

This 25th day of March, 2021.

s/ Alonzo C. Jeter, III, #282902
APPLICANT

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No: 2019-CP-11-0457

APPLICANT'S SUPPLEMENTAL RESPONSE TO RESPONDENT'S RETURN, RESPONDENT'S MOTION TO DISMISS, AND CONDITIONAL ORDER OF DISMISSAL

Applicant, Alonzo C. Jeter, III, hereby makes the following supplemental response to the Respondent's pleadings which are captioned above. In doing so, Applicant pleads further as follows:

FILED IN THE OFFICE OF CLERK OF COURT
2021 MAR 29 A 11:45
BRANDI W. MCBEE
CHEROKEE COUNTY, S.C.

With regard to the summary judgment request made by the Respondent in this case, the Resondant as the Movant or moving party in the action has failed to meet its burden. See Celotex Corp v. Catrett, 477 US 317, 106 Sct 2548 (1986) (The party seeking summary judgment bears the burden of initially coming forward and demonstrating an absence of a genuine issue of material fact.)

The Respondent has not refuted Applicant's claims or evidence which Applicant has submitted as exhibits, but rather seemingly relies on a notion that the evidence will disappear in procedural history if silence is kept regarding Applicant's evidence.

Applicant provides this assertion only because light should be shed on this matter, as Respondent's actions are not inadvertent omissions, but are rather strategic choices made to both confuse the Court and

disconcert and frustrate the Applicant by causing undue hardships.

Applicant would show the Court Petitioners' Exhibit-M, which is the Order of United States Magistrate Judge, Mary Gordon Baker dated January 14, 2020, in the case of Jeter v Tucker, C/A No. 2:19-cv-1945-MGL-MGB.[1]

Within this Order, (page 2 of 3 of the Order), the Honorable Judge Baker speaks in regard of the State's omissions in this case stating, "The [State's] omission of these documents is bizarre." Further, on page 3 of 3 of the Order, the Judge gestures, "[T]he [State's] omissions... are disconcerting, to say the least..."

The record which is compiled and before this Court is substantial and does provide a clear picture. Reviewing the record and all evidence proffered, in the light most favorable to the Applicant as this Court must, it is clear that summary judgment is not appropriate under the circumstances of this case.

See Al-Shabazz v State, 338 SC 354, 527 SE2d 742 (2000) ("When considering the State's motion for summary dismissal of an application for post conviction relief, a Judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the applicant.

[1] Andrews v South Carolina Department of Corrections, C/A No. 8:20-cv-2633-BHH-JDA (D.S.C. 2020), 2020 WL 4738327 ("The Court is permitted to take Judicial notice of the records in [Applicant's] cases.

However, notwithstanding the fact that Applicant provides this Court both facts and evidence which is material in support of his facts and claims, this Court should not weigh these facts nor evidence at this Juncture as this case is at the summary Judgment stage. Rather, at this Juncture, this Court should only determine if issue of fact and evidence exist and whether there is conflict as to inferences and conclusions of those facts and evidence.

Simply put, Applicant and Respondent disagree regarding the matters of statute of limitations, newly discovered evidence and res Judicata. Respondent has pleaded these affirmative defenses in its Return and motion to Dismiss and Applicant has sufficiently disputed these defenses. In as such summary Judgment is not proper.

See Yarborough v Rogers, 306 SC 260, 411 SE2d 424 (1991) ("Party opposing summary Judgment need not come forward in any way if moving party has not supported his motion to point of showing issue is a sham.") SCRCP, 56(e).

Albeit, Applicant has came forward, doing so was not mandatory as Respondent's motions are not properly supported as they blatantly make omissions regarding

the substantial record and pleadings that is before this court. See Yarborough, id., ("Moving party who fails to show absence of genuine issue of material fact is not entitled to summary judgment even though his adversary does not come forward with opposing materials."); South Carolina Property and Cas. Guar. Ass'n v Yensen, 345 SC 512, 548 SE2d 880 (2001) ("At the summary judgment stage of litigation, the court does not weigh conflicting evidence with respect to a disputed material fact.") SCRCP, 56(c).

Applicant will also show that his previous Post-Conviction Application was dismissed under an erroneous guise. The Applicant clearly amended his Application to assert a claim of ineffective assistance of counsel, however, the PCR Court summarily dismissed the Application stating that Applicant failed to state a claim. See Gentry v Yonce, 337 SC 1, 522 SE2d 137 (1999) ("A complaint should not be dismissed for failure to state a claim merely because the court doubts the plaintiff will prevail in the action.")

As Applicant filed the Application pro se without benefit of counsel, it was not artfully or perfectly stated with facts, however, it was clear that Applicant had a claim. See Rule 8(f), SCRCP (All pleadings shall be so construed as to do substantial justice to all parties.

Gamble v State, 298 SC 176, 178, 379 SE2d 118, 119 (1989), (stating rules applicable to post-conviction relief actions should not be construed in manner which operate as a trap for the unwary lawyer).

Baughman v American Tel. and Tel. Co., 306 SC 101, 410 SE2d 537 (1991) ("Summary Judgment should be cautiously invoked so that no person will be improperly deprived at trial of disputed factual issues.")

Summary Judgment is a drastic remedy. id.

Appointment of Counsel

Applicant renews his motion for an appointment of counsel in this case. See Gary v State, 347 SC 627, 557 SE2d 662 (2001) ("In the interest of fairness, counsel should be appointed to an indigent post-conviction relief applicant when the state moves for dismissal on limitations grounds and the applicant raises an issue of material fact regarding the applicability of the statute of limitations.

Applicant would further show the Court the error in failing to appoint counsel in Applicants prior action both before and after summarily dismissal. Applicant was not provided assistance of counsel pursuant to Gary, id. When Applicants Application for post-conviction relief was summarily dismissed applicant was not appointed counsel to assist him in the appeal of the

denial. This was error as well. See Odom v State, 337 SC 256, 523 SE2d 753 (1999) ("An applicant has a right to an appellate counsel's assistance in seeking review of the denial of post conviction relief." "Under the post conviction relief rules, a court will appoint an attorney to a post conviction relief applicant if: (1) an evidentiary hearing is required; or (2) the applicant is indigent and wants to file an appeal.")

"Post conviction relief Judges are required to advise pro se applicants of both their right to appeal and their right to appellate counsel when their post conviction relief applications are summarily dismissed." id. Applicant was not afforded this opportunity, albeit he did ask. See Notice of Appeal filed to the South Carolina Court of Appeals, dated August 6, 2018, which Respondent has submitted along with Respondent's Motion to Dismiss and Return. Attached to this Notice of Appeal, there is also correspondence dated August 6, 2018, to Mr. Robert Dudek, seeking that I be provided assistance of counsel to assist Applicant in perfecting the appeal.

Under the PCR rules, an applicant is entitled to a full adjudication on the merits of the original petition, or "one bite at the apple." Rice v State, 305 SC 448, 452, 409 SE2d 392, 395 (1991). This "bite" includes an applicant's

right to appeal the denial of a PCR application, and the right to assistance of counsel in that appeal. See Aice, 305 S.C. at 448, 409 SE2d at 392.

CONCLUSION

Applicant's Plea Counsel at his 2004 plea was ineffective in failing to ensure that the full terms of the plea agreement was written on Applicant's Sentencing sheets so as to prevent any future misunderstandings of bad faith regarding the Applicant's record for future enhancement purposes. See, e.g., Boan v State, 388 SC 272, 695 SE2d 850 (2010) ("Defense counsel's failure to make a motion for clarification of sentence was ineffective assistance.")

See McElrath v State, 276 SC 282, 277 SE2d 890 (1981) and Brown v State, 814 SE2d 146, 423 SC 56 (2018), as both cases are distinguished by Applicant's case Jeter v Tucker, C/A No. 2:19-cv-1945-MGL-MGB (D.S.C. 2020), 2020 WL 1102231, regarding the matters in this action.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 25th day of March, 2021.

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

March 30, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Box 2289
Gaffney, S.C. 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 APR -5 AM 10:51
BRANDY W. McBEE

RE: Alonzo C. Jeter, III, v State
Case No. 2019-CP-11-0457

Dear Honorable McBee:

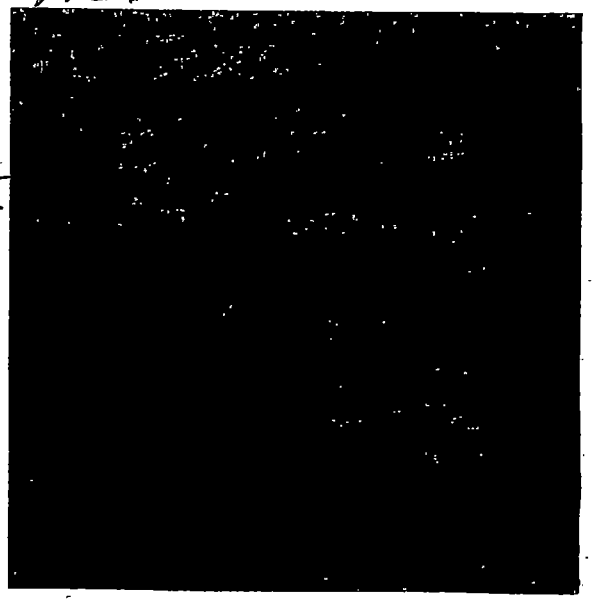
I write seeking to know if the above PCR action is still pending. A Conditional Order of Dismissal was filed in this case on December 7, 2020.

Out of an abundance of caution, I write to obtain confirmation that the case remains pending as I have not received a signed Final Order of Dismissal nor notice that a hearing has been scheduled regarding the PCR action.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III



STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S OBJECTION TO PROPOSED FINAL ORDER OF DISMISSAL

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 APR 16 AM 10:12
BRENDY W. ABERNATHY

The Applicant, Alonzo C. Jeter, III, respectfully objects to the proposed final order of dismissal which the Respondent has proposed on April 5, 2021, to the Honorable J. Derham Cole, Chief Administrative Judge for Common Pleas, Seventh Circuit, for His Honor's approval and signature for filing. Applicant received a copy of this proposed order on April 9, 2021, by way of the Tyger River Correctional Institution legal mail system.

In objecting to this proposed order, Applicant would state as follows. T

This proposed order provides clear reasoning why it is inequitable to deny Applicant opportunity of a hearing regarding the procedural questions and merits in this case. Applicant will address the misconceptions which are within this proposed order.

1. Page 2 of the proposed order states that, "Applicant claims he is entitled to relief based upon newly discovered evidence that the State "unmerged" his 2004 convictions years after the fact.". To be clear, Applicant submits that he

is "entitled to a full adjudication on the merits of the original petition, or "one bite at the apple"...". See Odom v State, 337 SC 256, 523 SE2d 753 (1999).

The newly discovered evidence claim relates back to Applicants prior PCR Application which was filed on June 19, 2017. (PCR Case No. 2017-CP-11-0486).

The Current PCR Application is filed due to the PCR Courts error in failing to address and adjudicate on the merits of Applicants' ineffective assistance claim as was raised in PCR Case No. 2017-CP-11-0486). This was Applicants first and original Application regarding the ineffective assistance claim of Applicants 2004 plea counsel.

2. Page 3 of the proposed order states that Applicant, "claims ineffective assistance of counsel because the "unmerging" occurred". While this is true, Applicant adds for clarity that the ineffective assistance of 2004 Plea Counsel occurred as 2004 Plea counsel failed to ensure the terms of the plea agreement and sentencing structure was written on the sentencing sheets from the 2004 plea. If 2004 Plea Counsel had done so, there would have been no future misunderstanding, manipulation and bad faith by the State. See Boan v State, 388 SC 272, 695 SE2d 850 (2010) ("defense counsel's failure to make a motion for clarification of sentence was ineffective assistance").

3. Page 4 of the proposed order states that the, "Applicant states

the State has not met its burden in burying his current claims behind his lengthy procedural history consisting of prior actions taken raising similar claims."

Applicant has stated that the Respondent has been crafty in its attempts to confuse the record. However, the record is clearly presented and does reveal a procedural irregularity which is beginning to reveal bad faith and unclean hands of the Respondent the more the record develops or evolves. (e.g. See Applicant's Exhibit J, wherein it is revealed that Applicant is in fact raising his claims clearly where Courts can clearly understand the procedural irregularities which exist in this case, and the reason why this claim and current PCR Application should not be procedurally barred).

4. Page 4 of the proposed order states that Applicant, "claims he has a valid ineffective assistance of counsel claim **now**". Further the proposed order states that Applicant, "claims he is **now** entitled to relief based upon ineffective assistance of 2004 plea counsel."

The Respondent places the term "now" in these sentences to create an inference that Applicant asserts that he only now was able to raise a valid ineffective assistance claim of his 2004 plea counsel. However, Applicant shows that this is an untruth of the Respondent, as Applicant

raised the ineffective assistance of 2004 Plea Counsel claim in his prior PCR Application by way of an amendment. (PCR Case No. 2017-CP-11-0486).

5. Page 4 of the proposed order states that, "Applicant seemingly concedes he raised this issue in his last application, which was summarily dismissed."

Respondent rightfully determines that Applicant concedes that he raised the issue of ineffective assistance of his 2004 plea counsel with his prior PCR Application, (PCR Case No. 2017-CP-11-0486) by way of amendment.

However, Respondent defers back to a claim of newly discovered evidence. Applicant shows only the newly discovery came by way of his PCR challenge to his current convictions. (PCR Case No. 2016-CP-11-0293). The PCR Court in that unrelated case, granted the State's motion to reopen the PCR record and this is how and when Applicant's ineffective assistance claim for his 2004 plea counsel was realized and discovered. Applicant does not rely solely on newly discovered evidence in filing this Current PCR action, but rather files the current PCR action pursuant to Case v State, 277 SC 474, 289 SE2d 413 (1982), as Applicant's first application was filed without assistance of legal counsel and was dismissed without a hearing on basis that it lacked specificity. This caused Applicant not to receive a full bite at the apple.

Applicat raises the newly discovered evidence as he must, as this is the merits for filing the original PCR (PCR Case No. 2017-CP-11-0486).

6. Page 4 of the proposed order states that, "the application is barred for untimeliness" as Applicat pled guilty to the Charges on October 12, 2004, the PCR application was due to be filed on October 15, 2005, and the current application was not filed until June 19, 2019. The proposed order further states that the Applicat has failed to sufficiently explain the fourteen year delay between the remittitur of his appeal and this pursuit of remedy through the PCR process, therefore the matter shall be dismissed, barred by the statute of limitations.

It would be fruitless for Applicat to reiterate why the PCR actions were not filed until PCR Case No. 2017-CP-11-0486 and 2019-CP-11-0457 as the record clearly reveals the undisputible reason why, and most importantly why this filing would not be deemed untimely and barred by the statute of limitations.

7. Page 5 of the proposed order states that, "Applicat had a full opportunity to litigate all his allegations in his prior actions." The proposed order further states, "Applicat's allegations are identical to those raised to and ruled upon by the Court in the previous action". (PCR Case No.

2017-CP-11-0486).

PCR Case No. 2017-CP-11-0486 was denied summarily on the basis that Applicant failed to state a cognizable claim. As the Respondent and proposed order concedes that Applicant raises in this current PCR Application the same claim and allegations which he raised in Applicant's PCR Case No. 2017-CP-11-0486; The Respondent and the proposed order also reveals that this is contrary to a reasonable determination and decision to summarily dismiss this current PCR action. Either ineffective assistance of counsel is a cognizable claim or it is not. Further there was no ruling at all on the issue of ineffective assistance of 2004 Plea counsel on its merits due to the 2017-CP-11-0486 PCR Courts err in stating that Applicant failed to raise a cognizable claim.

8. Page 5 of the proposed order asserts that the Applicant, "now reframes the issue already raised as an ineffective assistance of counsel claim". However, Applicat does not reframe the issue, but rather does raise the claim of ineffective assistance of 2004 Plea Counsel as he did in the 2017-CP-11-0486 under Case v. State, 277 SC 474, 289 SE2d 413 (1982).

9. Page 5 of the proposed order states that, "the finality of the previous Court rulings should be respected, and the

application shall be summarily dismissed as barred by the doctrine of res judicata".

This is indeed a troubling statement as this statement infers that the Court will uphold an unjust and inequitable decision. See McLeod v Stanes, 396 SC 647, 723 SE2d 198 (2012) ("there is no virtue in sinning against light or persisting in palpable error, for nothing is settled until it is settled right").

This Court should not side with error and inequity. It is clear that Applicant has not received a full, fair, and impartial bite at the apple. This was error in Applicants' 2017-CP-11-0486 PCR action as the PCR court did not acknowledge the ineffective assistance of 2004 plea counsel claim. This is the cause for Applicant to raise the issue in this current PCR action.

10. Page 5 of the proposed order states that, "Before this Court will hold an evidentiary hearing, Applicant must make a prima facie showing that he is entitled to relief."

The Respondent and this proposed Order makes the grand mistake of conflating the concepts of a hearing on the procedural question, hearing on the motion to dismiss, and evidentiary hearing on the merits. The proposed order is defective and is

insufficient and therefore unreasonable as it fails to address the procedural questions and genuine issues of material fact. The order fails to address:

1. Applicants applicability to Case v State, 277 SC 474, 289 SE2d 413 (1982).
2. Assumption that the facts presented by Applicant are true and viewing those facts and any inferences in the light most favorable to the Applicant, as provided for in Pelzer v State, 378 SC 516, 662 SE2d 618 (2008).
3. The scintilla of evidence and more than a scintilla of evidence which Applicant has preceded for the record in this case, that has not been refuted by the Respondent.
4. The genuine issues of material fact which exist in this case.

Simply put, this proposed order suffers from the strawman fallacy as it does not address nor discuss or make a determination on the things that matter in this case.

The absence of counsel, lack of specificity, summary dismissal, and absence of an appeal are unique combination of facts which would warrant Applicants successive application to proceed and be accepted. due

to the precedual irregularities existing in this case. See Case v State, 277 SC 474, 289 SE2d 413 (1982) and Aice v State, 305 SC 448, 409 SE2d 392 (1991).

The Respondent makes a strategic choice in not addressing this matter in the proposed order.

Further, for clarity, Applicat seeks that in making the order granting or denying a hearing on precedual questions, hearing on motion to dismiss, or evidentiary hearing on the merits of this case; Applicant emphasizes that it is imperative that at anytime a PCR action is refered to in this order, the PCR Case No. is cited along with its meaning. Without so, Respondent and this Court would confuse the record and make ambiguous pleadings, determinday and adjudication.

There are intelligent minds when are collaborating as adversary against Applicant and any and all who can choose not to understand these clear pleadings which clearly reveal the inequities existing in this case do not understand by desperate choice not to.

The record in this case is clear. As Applicat has fully explained this Court must want to understand, if it is truly its intent. The record is complete. The

exhibits are all entered, facts and undisputable evidence is before the Court, and this Court has the filings and Final Order of Dismissal which was filed in Applicant's 2017-CP-11-0486 PCR action.

Applicant seeks that this Court take Judicial notice of the records from the 2017-CP-11-0486 PCR action and furthermore Judicial notice of exhibits and filings which Applicant has submitted in the case sub Judice.

See South Carolina Dept. of Social Services v Janice C., 383 SC 221, 678 SE2d 463 (2009) ("A Court can take Judicial notice of its own records, files and proceedings for all proper purposes including facts established in its records").

Applicant incorporates the reasonings which he has put forth in the Applicant's Reply To Respondent's Return, Return To Respondent's Motion To Dismiss, Applicant's Objection To Conditional Order of Dismissal, Applicant's Supplemental Response To Respondent's Return Respondent's Motion To Dismiss and Conditional Order of Dismissal, as well as Applicant's Memorandums In support of PCR and Supplemental Memorandums.

In the interest of Justice and equity,

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 12th day of April, 2021.

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

April 12, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 APR 16 AM 10:48
BRANDY W. MCBEE

RE: Alonzo C Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Mrs. McBee.

Enclosed for filing, please find the correspondance to the Honorable J. Derham Cole, dated April 12, 2021, Applicants Objection To Proposed Find Order of Dismissal, along with a Certificate of Service for the same.

Enclosed, please also find an additional copy of the same along with a self-addressed stamped envelope.

Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III #282902,
APPLICANT,

v.

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 APR 16 AM 10:48
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Objection To Proposed Final Order Of Dismissal, and Applicant's Correspondence dated, April 12, 2021, (the Honorable J. Derham Cole); on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 13th day of April, 2021, for mailing via the United States Mail, addressed as follows: Chelsey, F. Marte, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, P O Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, South Carolina 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Blvd. Gaffney, S.C. 29342.

SWORN TO And Subscribed Before Me
this 13 day of April, 2021

Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

S/

Alonzo C. Jeter, III
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

204

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

April 12, 2021

The Honorable J. Derham Cole
Chief Administrative Judge
PO Box 1744
180 Magnolia Street, 2nd Floor
Spartanburg, SC 29304-1744

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 APR 16 AM 10:48
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Judge Cole:

I have received a copy of Final Order of Dismissal which the Respondent proposes for your approval and signature in this case and matter.

As Judge J. Mark Hayes, II, previously served as the adjudicator in this matter, I did send to him correspondence beseeching that he would review all filings I have filed with the Cherokee County Clerk's Office in this case. I have been both intentional and diligent in seeking to make the matters clear in this case.

As such, Your Honor, I also beseech you, that you would review these filings for yourself and obtain your clear understanding. Please adjudicate and issue orders on all motions filed. I do object to the proposed Final Order of Dismissal.

Thank you.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto
Brandy W. McBee
FILE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 CLARIFICATION AND AMENDMENT TO THE DESIGNATION AND DENOTEMENT OF EXHIBIT-M

Applicant, Alonzo C. Jeter, III, hereby intends to clarify and make an amendment to the designation and denotement of Exhibit-M. It has recently come to the attention of Applicant that he has inadvertently denoted two seperate Exhibits as Exhibit-M. In clarifying and as an effort to correct this mistake, Petitioner states as follows:

The Applicant filed a 6-page exhibit with this Court on January 22, 2021, which he denoted as Exhibit-M as its designation.

On March 29, 2021, Applicant filed a 3-page exhibit with this Court and inadvertently denoted this exhibit designated as Exhibit-M.

Applicant seeks to amend the March 29, 2021, exhibit by denoting this 3-page exhibit as Exhibit-N as its designation.

Respectfully,

Alonzo C. Jeter, III
APPLICANT/pro se

This 13th day of August, 2021.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C. 2021 AUG 16 AM 11:57 BY RECEIVED

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:17
BRANDY W. McBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the Clarification And Amendment to the Designation And Denotement of Exhibit - Mee on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 13th day of August, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, P O Box 11549, Columbia, South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Blvd., Gaffney, South Carolina 29342.

s/ Alonzo C. Jeter, III
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
this 13th day of August, 2021

Notary Public for South Carolina
My Commission Expires: 2/3/2024

SHAQUANNA BROWN
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/3/2026
SOUTH CAROLINA

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

August 13, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:17
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Please find enclosed, the Clarification And Amendment to the Designation And Denotement of Exhibit-M. along with a Certificate of Service regarding the same.

Enclosed also, please find an additional copy of these documents along with a self-addressed stamped envelope.

Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

208

June 15, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I am writing seeking to be informed of the status of the above PCR case. I write out of an abundance of caution and in the interest of certainty seeking to ensure that there has been no final decision made in this case at this point. I am also requesting that when such decision is made, that you please provide me this decision by certified mail so as to ensure that I have received the decision.

Thank you for all you do.

Sincerely,

Alonzo C. Jeter, III

CC: Chelsey F. Marto, AAG
Hon. J. Derham Cole
FILE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUN 18 AM 10:58
BRANDY W. MCBEE

209

Office of
CLERK OF COURT
CHEROKEE COUNTY
MRS. BRANDY W. MCBEE, CLERK
Post Office Drawer 2289
Gaffney, S.C. 29342
Phone: 864-487-2571 • Fax: 864-487-2754

Mr. Jeter,

We have not received any documents to be filed regarding your case. Your case is currently still pending. Thank you.

Sincerely,

Common Pleas Clerk

210

July 7, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find correspondence to your office dated July 7, 2021, which is an inquiry regarding the who makes the determination regarding appointment of counsel for indigent applicants in pcr actions.

Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUL 12 AM 9:02
BRANDY W. MCBEE

211

July 7, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking that you will please inform me of who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions. Please do not construe this inquiry as solicitation for legal advice. This is rather an inquiry for certainty of understanding regarding ministerial duties.

I am not asking who actually appoints counsel in post-conviction actions as it is elementary to know that the Common Pleas Judge actually orders appointment; Rather, I am inquiring as to who makes the determination of whether or not counsel should be appointed. It is common that the Office of the Attorney General makes this determination.

Please also find, enclosed, an additional copy of this correspondence along with a self-addressed stamped envelope. Please return to me a filed-stamped copy of this document along with your response or, in the alternative, by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

Cc: Chelsey F. Marto, AAG
FILE

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 JUL 12 AM 9:02
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the correspondence dated July 7, 2021, intended for Cherokee County Clerk of Court on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 7th day of July, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, P O Box 11549, Columbia, South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Box 2289, 125 E. Floyd Baker Blvd., Gaffney, SC 29342.

s/ Alonzo C. Jeter, III

SWORN and Subscribed before me
this 7th day of July, 2021

Notary Public for South Carolina
My Commission Expires: 2/3/2026

SHAQUANNA BROWN NOTARY PUBLIC MY COMMISSION EXPIRES 2/3/2026 SOUTH CAROLINA

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 JUL 12 AM 9:02
BRANDY W. MCBEE

213

July 20 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find correspondence to your office dated July 21, 2021, which is an inquiry whereby I am seeking to know who makes the determinations as to whether or not counsel is to be appointed for indigent pcr applicants.

Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, Esq. (AAG)
FILE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUL 23 AM 10:40
BRANDY W. MCBEE

July 20 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUL 23 AM 10:40
BRANDY W. MCBEE

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I wrote a letter dated July 7, 2021, to your office wherein I to know who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions.

In this letter I specified that I was not not inquiring as to who actually appoints counsel in post-conviction actions but rather I inquire as to who makes the determination of whether or not counsel is to be appointed.

I also indicated that it is my understanding that the determination as to whether or not counsel should be appointed for indigent PCR applicants it is commonly made by the Office of the Attorney General rather than the Court of Common Pleas judge.

Your office simply highlighted the Office of the Attorney General on my letter, clock-stamped it, and returned it back to me.

While I do appreciate your return, I respectfully seek that your office will provide me a more definite answer to this question so that I would not remain unsure of who makes the determination of whether or not counsel is to be appointed for an indigent pcr applicant.

Please find, enclosed, an additional copy of this correspondence along with a self-addressed stamped envelope. Please return to me a filed-stamped copy of this document along with your response.

Thank you for your patience, understanding and assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, Esq. (AAG)
FILE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	}	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant,	}	Case No. 2019-CP-11-0457
v	}	CERTIFICATE OF SERVICE
State of South Carolina, Respondent.	}	

I, Alonzo C. Jeter, III, hereby certify that I have served the correspondence dated July 19, 2021, intended for the Cherokee County Clerk of Court; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 20th day of July, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, P O Box 11549, Columbia, South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, P O Box 2289, 125 E. Floyd Baker Blvd., Gaffney, South Carolina 29342.

S/ _____
Alonzo C. Jeter, III

SWORN and Subscribed before me
this 20 day of July, 2021

_____
Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUL 23 AM 10:40
BRANDY W. MCBEE

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

August 13, 2021

The Honorable Brandy McBee
Clerk, Cherokee County
PO Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, SC 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:19
BRANDY W. McBEE

RE: Alonzo C. Jeter, III v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee.

Please find attachment which is correspondence from your office dated October 21, 2020. This correspondence was in response to my correspondence to your office dated October 13, 2020 (received and filed on October 16, 2020).

I provide a copy of this correspondence so as to ensure that this correspondence of a copy thereof be filed in this case for the record. I provide this in the interest of certainty as I seek that it would bear the clerk's file-stamp on its face.

Please find also enclosed a self addressed stamped envelope an additional copy of this correspondence as well as an additional copy of your office's October 21, 2020 correspondence. Please return to me file-stamped copies of these documents.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

CC: Chelsey F. Marto, AAG
FILE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Correspondence intended for Cherokee Clerk of Court dated August 2021 on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 13th day of August, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia SC 29211-1549; The Honorable Brandy McBee, Clerk, Cherokee County, PO Drawer 2289, 125 E. Floyd Baker Blvd, Gaffney SC 29342.

SWORN and Subscribed before me
this ___ day of _____, 2021

_____
Notary Public for South Carolina
My Commission Expires: _____

S/ Alonzo C. Jeter, III
Tyger River Correctional Instn
200 Prison Road
Enoree, South Carolina 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:19
BRANDY W. MCBEE

219

Cherokee County Clerk of Court Office

BRANDY W. MCBEE
CLERK OF COURT

POST OFFICE DRAWER 2289
125 E. FLOYD BAKER BLVD
GAFFNEY, SC 29342
PHONE: (864) 487-2571
FAX: (864) 487-2754

October 21, 2020

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:19
BRANDY W. MCBEE

Alonzo C. Jeter, III, #282902
Tyger River CI, U9-0202-B
200 Prison Rd.
Enoree, SC 29335

In reference to your letter/request, 2019CP1100457:

Mr. Jeter,

The Clerk of Court Office received your letter on October 16, 2020. Your case is still pending and is being handled by the SC Attorney General's Office. Your submitted filings have been forward to said office, so they're in receipt of your letters, requests, motions, etc. We are just a filing office, so the status truly remains with them.

The Chief Administrative Judge for Common Pleas in the Honorable J. Mark Hayes, II. His mailing address is: 180 Magnolia St., Spartanburg, SC 29306.

Best Regards,
Common Pleas Clerk

(864) 487-2571 (Phone)
(864) 487-2754 (Fax)

220

August 13, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, ~~the~~ Motion For Independent Adjudication And Hearing on Motions

Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

RECEIVED
AUG 13 2021
TYRCI MAILROOM

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Independent Adjudication And Hearing On Motions on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 13th day of August, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia St., 2nd Floor, Spartanburg South Carolina 29304-1744; The Honorable Brandy D. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Blvd., Gaffney SC 29342.

SWORN and Subscribed before me
this 13th day of August, 2021

Shaquanna Brown
Notary Public for South Carolina
My Commission Expires: 2/3/2026

s/ Alonzo C. Jeter, III
Alonzo C. Jeter, III
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SHAQUANNA BROWN NOTARY PUBLIC MY COMMISSION EXPIRES 2/3/2026 SOUTH CAROLINA

RECEIVED
AUG 13 2021
TYRCI MAILROOM

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR INDEPENDENT ADJUDICATION AND HEARING ON MOTIONS

The Applicant, Alonzo C. Jeter, III, comes respectfully requesting that this Court would provide a ruling on the motions which have been filed in this case.

Specifically, Applicant seeks that the Chief Administrative Judge for Common Pleas make an independent adjudication upon all motions filed in this case, without any suasion or deference to the State (Respondent) or Office of the Attorney General.

Further, Applicant requests that in the Chief Administrative Judges order(s) in which his decisions are made upon the motions, that the Judge not make a blanket statement or Mother Hubbard, but rather provide clear and unambiguous facts, findings, and conclusions of law which fully support his decision and sufficiently addresses the existence or non-existence of the issue(s) of fact and questions of law.

RECEIVED
AUG 13 2021
TYRCI MAILROOM

MOTION HEARING

Applicant requests a hearing on the motions in this case pursuant to Rule 12(d), SCRCP; Rule 7(b)(1), SCRCP;

August 13, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, ~~the~~ Motion For Independent Adjudication And Hearing on Motions

Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:17
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:17
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Independent Adjudication And Hearing On Motions on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 13th day of August, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia St., 2nd Floor, Spartanburg South Carolina 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Blvd., Gaffney SC 29342.

SWORN and Subscribed before me
this 13th day of August, 2021

Shaquanna Brown
Notary Public for South Carolina
My Commission Expires: 2/3/2026

s/ Alonzo C. Jeter, III
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SHAQUANNA BROWN NOTARY PUBLIC MY COMMISSION EXPIRES 2/3/2026 SOUTH CAROLINA

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR INDEPENDENT ADJUDICATION AND HEARING ON MOTIONS

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:17
RANDY W. MCBEE

The Applicant, Alonzo C. Jeter, III, comes respectfully requesting that this Court would provide a ruling on the motions which have been filed in this case.

Specifically, Applicant seeks that the Chief Administrative Judge for Common Pleas make an independent adjudication upon all motions filed in this case, without any suasion or deference to the State (Respondent) or Office of the Attorney General.

Further, Applicant requests that in the Chief Administrative Judges order(s) in which his decisions are made upon the motions, that the Judge not make a blanket statement or Mother Hubbard, but rather provide clear and unambiguous facts, findings, and conclusions of law which fully support his decision and sufficiently addresses the existence or non-existence of genuine issue(s) of fact and questions of law.

MOTION HEARING

Applicant requests a hearing on the motions in this case pursuant to Rule 12(d), SCRCP; Rule 7(b)(1), SCRCP;

and Rule 71.1(d), SCRCP, and Rule 56(c) and (d). 226

Rule 12(d) states that, "The defenses . . . **shall be heard** and determined before trial . . . unless the Court orders that **the hearing** and determination thereof be deferred until the trial." Rule 12(d), SCRCP, provides for a hearing and a determination.

Rule 7(b)(1), SCRCP, provides for a "hearing of the motion".

Rule 71.1(d), SCRCP, provides for a hearing as both questions of law and fact are presented.

Rule 56(c), SCRCP, provides there should be, "time fixed for the hearing".

Rule 56(d), SCRCP, provides that there will be action taken by, "the court at the hearing of the motion" motion".

See also State v Buchanan, 279 SC 194, 304 SE2d 819 (1983) (Meeting between defendant and court to determine what motions defendant had attempted to file pro se, and what proceedings, if any, would be necessary to dispose of these motions...)

Royster Co. v Eastern Distribution, Inc., 301 SC 18, 389 SE2d 863 (1990) ("Because a court must examine both the facts and the law when determining whether to grant summary judgment... such an examination constitutes a

trial."); Dangerfield v State, 376 SC 176, 179, 656 SE2d 352, 353-54 (2008) ("The procedural component of the state and federal due process clauses requires the individual whose property or liberty interests are affected to have received adequate notice of the proceeding, the opportunity to be heard in person, the opportunity to introduce evidence, the right to confront and cross-examine adverse witnesses, and the right to meaningful judicial review.") (internal citations omitted) (emphasis added); Madison v American Home Products Corp., 358 SC 449, 595 SE2d 493 (2004) ("As a general rule, important questions of novel impression should not be decided on a motion to dismiss.")

City of Rock Hill v Thompson, 349 SC 197, 563 SE2d 101 (2002) ("[T]he Court could direct a Judge to rule on a pending motion because the act of ruling is ministerial in nature.")

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 13th day of August, 2021.

August 27, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, Correspondence intended for your office, seeking that motions be placed on motion calander

Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

RECEIVED
AUG 27 2021
TYRCI MAILROOM

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

August 27, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RECEIVED
AUG 27 2021
TYRCI MAILROOM

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking to be informed of the following:

1. Has all motions that have been filed in this case been placed on the motion calender so as to allow the Chief Administrative Judge to adjudicate upon them?

2. Has there been a date set whereby the motions are scheduled to be heard?

3. As I have requested, and still do request, a hearing on the motions filed in this case; has a date been scheduled for a motion hearing regarding all motions filed in this case?

Please return to me a file-stamped copy of this correspondence along with your response. Please find enclosed self-addressed stamped envelope for your return. Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

August 27, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

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Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 AUG 30 AM 11:30
BRANDY W. MCBEE

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

August 27, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C
2021 AUG 30 AM 11:30
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee,

I write seeking to be informed of the following:

1. Has all motions that have been filed in this case been placed on the motion calender so as to allow the Chief Administrative Judge to adjudicate upon them?

2. Has there been a date set whereby the motions are scheduled to be heard?

3. As I have requested, and still do request, a hearing on the motions filed in this case; has a date been scheduled for a motion hearing regarding all motions filed in this case?

Please return to me a file-stamped copy of this correspondence along with your response. Please find enclosed self-addressed stamped envelope for your return. Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

September 1, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing please find the Motion For Written Order Of The Chief Judge For Administrative Purposes For The Court Of Common Pleas For Appointment of Counsel, along with a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

RECEIVED
SEP 01 2021
TYRCI MAILROOM

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902
APPLICANT,

v.

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Written Order Of The Chief Judge For Administrative Purposes For The Court of Common Pleas For Appointment of Counsel; on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 1st day of September, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, S.C. Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 1st day of September, 2021

Notary Public for South Carolina
My Commission Expires: 2/3/2026

s/
Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

RECEIVED
SEP 01 2021
TYRCI MAILROOM

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III #282902 APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR WRITTEN ORDER OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES FOR THE COURT OF COMMON PLEAS FOR APPOINTMENT OF COUNSEL

Applicant, Alonzo C. Jeter, III, hereby respectfully motions that the Honorable Chief Judge for administrative purposes for the Court of Common Pleas would provide a written order which would grant Applicant an appointment of counsel in this case.

Applicant files this motion out of an abundance of caution as he is aware the administrative order which was issued by Former Chief Justice Jean Hoefer Toal. In Order No. 2008-10-06-01 (October 6, 2008) RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court, Former Chief Justice, Jean H. Toal, specified that Counsel would not be appointed in cases in which the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit.

RECEIVED
SEP 01 2021
TYRCI MAILROOM

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

September 1, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III v. State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Motion For Written Order Of The Chief Judge For Administrative Purposes For The Court Of Common Pleas For Appointment of Counsel, along with a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP -7 AM 8:32
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo C. Jeter, III, #282902
APPLICANT,

v

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 SEP -7 AM 8:37
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Written Order Of The Chief Judge For Administrative Purposes For The Court of Common Pleas For Appointment of Counsel; on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 1st day of September, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, S.C. Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 1st day of September, 2021

Notary Public for South Carolina
My Commission Expires: 2/3/2026

s/

Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III #282902 APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR WRITTEN ORDER OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES FOR THE COURT OF COMMON PLEAS FOR APPOINTMENT OF COUNSEL

Applicant, Alonzo C. Jeter, III, hereby respectfully motions that the Honorable Chief Judge for administrative purposes for the Court of Common Pleas would provide a written order which would grant Applicant an appointment of counsel in this case.

Applicant files this motion out of an abundance of caution as he is aware the administrative order which was issued by Former Chief Justice Jean Hoefer Toal, In Order No. 2008-10-06-01 (October 6, 2008) RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court, Former Chief Justice, Jean H. Toal, specified that counsel would not be appointed in cases in which the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 SEP -7 AM 8:02
BRANDY W. WEBB

Applicant has submitted filings in this case wherein the facts of this case and issues thereof raise a material issue regarding the applicability of the rule forbidding successive applications and the Statute of limitations.

As the Administrative Order does not specifically inform as to how a pcr applicant is to pursue obtaining such written order for the appointment of counsel, Applicant moves the Court in the interest of certainty and clarity for such Order.

Applicant has filed sufficient filings in this case and does ask that the Court, Chief Judge For Administrative Purposes For the Court of Common Pleas, review and remain mindful of those filings in adjudicating upon this motion.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / Pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 1st day of September, 2021.

ALAN WILSON
ATTORNEY GENERAL

September 10, 2021

Alonzo C. Jeter, #282902
Dorm-Room-Bunk: U7-0218-A
Tyger River Correctional
200 Prison Road
Enoree, SC 29335

Re: **Alonzo Jeter, #282902 v. State of South Carolina**
2019-CP-11-0457

Dear Mr. Jeter:

Enclosed please find a copy of the **Final Order of Dismissal** for the above-captioned post-conviction relief application; signed by the Honorable J. Derham Cole, Chief Administrative Judge for the Seventh Judicial Circuit.

Sincerely,

Chelsey F. Marto
Assistant Attorney General

CFM/ec
Enclosure

240

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Jeter, #282902, Applicant,	)	Case No.: 2019-CP-11-0457
v.	)	**FINAL ORDER OF DISMISSAL**
State of South Carolina, Respondent.	)	

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 SEP -9 AM 10:34
BRANDY W. MCBEE

This matter comes before the Court pursuant to a post-conviction relief application filed by Applicant Alonzo Jeter on June 19, 2019. Respondent moved to summarily dismiss the application on December 2, 2020, for untimeliness, successiveness, as barred by the doctrine of *res judicata*, and for failure to establish a *prima facie* case of newly discovered evidence.

Pursuant to this request, and after reviewing the attached pleadings pertinent to this matter, this Court issued a conditional order of dismissal dated December 7, 2020, provisionally summarily dismissing the application, but affording the applicant twenty days from service of the conditional order to provide sufficient reasons as to why this order should not be finalized. Applicant was personally served with this conditional order of dismissal on December 23, 2020, as evidenced by the attached affidavit of personal service.

Applicant has filed many responses after the issuance of the conditional order. On December 18, 2020, Applicant filed a letter requesting correspondence between the Attorney General's Office and the South Carolina Department of Corrections dated June 26, 2019 and its incorporated records dated July 10, 2019. The clerk of court for common pleas informed Applicant that they could not assist Applicant with this matter by written letter, filed December 18, 2020.

On December 21, 2020, Applicant submitted a letter requesting a ten day extension in

which to respond to the conditional order of dismissal and the return and motion to dismiss. Concordantly, Applicant submitted a like request though written letter sent directly to the Honorable J. Mark Hayes, II, then-Chief Administrative Judge for Common Pleas, on the same date. In this letter, he requested Judge Hayes review all filings and exhibits in the case, requested an extension to file the response objecting to the conditional order, and stated he did not think the conditional order adequately addressed the case.

Applicant filed the objection to the conditional order of dismissal on December 28, 2020. In this response, Applicant states he was denied of his right to reply to the conditional order of dismissal prior to the judge signing it. Applicant states the denial of the right to participate in writing the order and replying to the proposed order prior to signing it rendered the order ex parte communications. Applicant claims his responses, pieces of correspondence, and exhibits have been ignored because the conditional order was adopted by the court and because the Judge failed to address and adjudicate on the "issues of material fact." Applicant claims he is entitled to relief based upon newly discovered evidence that the State "unmerged" his 2004 convictions years after the fact. He claims this was discovered June 19, 2017 "as the issues in another PCR proceeding." He claims this application is not barred for untimeliness because of this newly discovered evidence. He claims this should not be barred for successiveness or by the doctrine of *res judicata* because, although Applicant raised the ineffective assistance of counsel claims in his last application, this application is not successive because the last application was summarily dismissed without ruling on the merits and because he was not afforded assistance of counsel. Applicant claims he is entitled to an evidentiary hearing because he has presented a case for why there is a genuine issue of material fact. Applicant also claims he is entitled to a hearing on both the procedural issues and on the merits.

Applicant also submitted a reply to Respondent's return and motion to dismiss on December 28, 2020. Applicant claims he is entitled to relief based upon newly discovered evidence based upon his discovery of the State's decision to "unmerge" his 2004 convictions. Applicant claims he discovered this while pursuing his 2016 PCR case. He also claims ineffective assistance of counsel because the "unmerging" occurred. Applicant claims this application is not successive or barred by the doctrine of *res judicata* because the last application was summarily dismissed instead of being adjudicated on the merits. Applicant claims the statute of limitations does not apply because his claim is newly discovered. Applicant claims the application should not be summarily dismissed because "genuine issues of material fact exist" and these issues require a hearing on the matter. Applicant also requested a motion hearing on the motion to dismiss.

Applicant filed a document entitled "Applicant's Exhibit M" on January 22, 2021. In this document, Applicant submitted a copy of his SCDC records as well as a cover letter, dated June 26, 2019, from Respondent to SCDC requesting the records.

On March 29, 2021, Applicant filed a supplemental amendment to the PCR application. In this, he alleged due process violations for failure to afford him PCR Counsel after the State moved to summarily dismiss the application. He stated he was denied counsel when attempting to appeal the summary dismissal case. He stated he was denied a hearing to determine if there was a genuine issue of material fact concerning procedural issues, "affirmative defenses, or concerning the merits of the case. He stated he received ineffective assistance of plea counsel in 2004. He also entered another exhibit in the case consisting of a motion to appoint counsel and to compel in his habeas action.

Also on March 29, 2021, Applicant filed another supplemental response to the motion to

dismiss and conditional order. Here, Applicant states the State has not met its burden in burying his current claims behind his lengthy procedural history consisting of prior actions taken raising similar claims. He claims the prior application was erroneously dismissed. He claims he has a valid ineffective assistance of counsel claim now. He also requests counsel in this case, which he claims he is entitled to in summary dismissal actions. He also claims he was entitled to counsel on an appellate case following the summary dismissal of the circuit court action. He claims he is now entitled to relief based upon ineffective assistance of 2004 plea counsel.

This Court has reviewed all responses in full and finds none of them are sufficient enough to warrant an evidentiary hearing. Consequently, this Court finds this application must be summarily dismissed with prejudice.

Applicant has not adequately shown why he is entitled to relief based upon newly discovered evidence. Applicant claims he newly discovered the evidence during the course of his last PCR action, on or around June 19, 2017. This current application was filed June 19, 2019; a year after the statutory period in which to file an application regarding newly discovered evidence had expired. That the application remains untimely filed set aside, Applicant fails to show why he could not have discovered this through reasonable diligence while entering the plea, why he is entitled to a vacated plea pursuant to the interests of justice. Further, Applicant seemingly concedes he raised this issue in his last application, which was summarily dismissed. Claims raised in his previous PCR action are not properly considered newly discovered evidence. Accordingly, this Court finds the application shall remain dismissed for failure to establish a *prima facie* case of newly discovered evidence.

Additionally, this Court finds that the application is barred for untimeliness. Applicant pled guilty to all charges on October 12, 2004. Thus, his PCR application was due on October

15, 2005. The current application was not filed until June 19, 2019. Applicant has failed to sufficiently explain the fourteen year delay between the remittitur of his appeal and this pursuit of remedy through the PCR process. Thus, the Court shall dismiss the matter as barred by the statute of limitations.

Applicant had a full opportunity to litigate all his allegations in his prior actions. Indeed, Applicant's allegations are identical to those raised to and ruled upon by the Court in the previous action. Applicant's allegations are seemingly identical to those raised and ruled upon by the Court in his last PCR application. This has seemingly been conceded to by Applicant in his responses. That he now reframes the issue already raised as an ineffective assistance of counsel claim is of no consequence. The underlying issue remains the same as before and should be rejected by the court. The finality of the previous Court rulings should be respected, and the application shall be summarily dismissed as barred by the doctrine of *res judicata*.

Further, Applicant's application is barred on successiveness grounds. Applicant's current allegations were or could have been raised in earlier proceedings based upon Applicant's prior PCR applications and Applicant has not sufficiently proven why these issues could not have been raised earlier. Thus, the current application is successive and barred.

Before this Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965). Applicant has failed to make such a showing based on the information set forth in his responses, and, consequently, is not entitled to an evidentiary hearing. Thus, the Court reasserts its finding in the conditional order of dismissal that the current PCR application must be dismissed for untimeliness, successiveness, as barred by the doctrine of *res judicata*, and for failure to establish a *prima facie* case of newly discovered evidence. Accordingly, this Court finds no reason why

the conditional order of dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons in this Court's conditional order of dismissal, the PCR application is hereby denied and dismissed with prejudice. This court hereby advises Applicant that he must file and serve a notice of appeal within thirty days of the service of this order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 30 day of August, 2021.

J. [illegible] COLE
Chief ~~Administrative~~ Judge
Seventh Judicial Circuit

_____, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

ALONZO JETER, #282902,

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Final Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

Alonzo C. Jeter, #282902
Dorm-Room-Bunk: U7-0218-A
Tyger River Correctional
200 Prison Road
Enoree, SC 29335

This 10th Day of September, 2021.

EVA D. COOK
LEGAL ASSISTANT FOR RESPONDENT

2019-CP-11-0457

September 21, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, Applicant's Motion To Alter Or Amend Judgment Pursuant to Rule 59(E), SCRCP, And Hearing on this Motion; Applicant's Exhibit "P"; and Certificate of Service for the Same.
Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP 24 PM 1:44
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo Columbus Jeter, III, 282902,
Applicant,

v

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Motion To Alter or Amend Judgment and Hearing on this Motion; Applicant's Exhibit "pp" on Respondent by ~~placing a copy of the same inside of a postage prepaid envelope and~~ placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 21 day of September, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, SC Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, P.O. Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 21st day of September, 2021

Notary Public for South Carolina
My Commission Expires: 2/3/2026

S/
Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

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CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP 24 PM 1:43
BRANDY W. MCBEE

Mrs. Brandy W. McBee
Clerk Of Court, Cherokee County
Post Office Drawer 2289
Gaffney, S.C. 29342

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Alonzo Jeter, #282902
200 Prison Road Tyger River CI
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Enoree, SC 29335

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BRANDY W. MCBEE

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CLERK OF COURT
CHEROKEE COUNTY, S.C.

249

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF Common PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S MOTION TO ALTER OR AMEND JUDGMENT Pursuant to RULE 59(e), SCRCP, AND HEARING ON THIS MOTION AND MEMORANDUM IN SUPPORT

The Applicant, Alonzo C. Jeter, III, makes this motion respectfully seeking that this Court, the Honorable J. Derham Cole, Chief Common Pleas Judge, would alter or amend the Judgment made in this case. Honorable Chief Judge Cole signed a Final Order on August 30, 2021, dismissing this case with prejudice and denying the PCR application. Applicant received a written notice of the entry of this order from the Cherokee County Clerk of Court's office on September 14, 2021, by and through the Tyger River Correctional Institution Legal mail system.

Applicant, at the outset objects and brings to this Court's attention that there are pending motions which have been filed in this case that this court has not adjudicated upon nor have provided Applicant a hearing in which the Applicant can bring the matters before the Court.

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Specifically, Applicant shows the Court that he filed (1) Motion For Appointment Of Counsel And Affidavit In Support on July 1, 2020.

(2) Motion For Hearing (On the Procedural Questions and Merits in this case) on November 20, 2020

(3) Renewed Motion For An Appointment of Counsel (Integrated in Applicants' Supplemental Response to Respondents Return, Respondents Motion to Dismiss, And Conditional Order of Dismissal) on March 29, 2021.

(4) Motion For Independent Adjudication And Hearing On Motions on August 16, 2021.

(5) Motion For Written Order of the Chief Judge for Administrative Purposes For the Court of Common Pleas, on September 7, 2021.

Applicant respectfully moves that this Court would adjudicate upon each of these motions. Applicant also asks that in making the ruling on these motions that this Court would, rather than issue a Matter Hubbard ruling or order, that the Court would state specifically and clearly its reasons for its determination

and support the same with facts, findings and conclusions of law.

FAILURE TO ADDRESS THE SCINTILLA OF EVIDENCE AND STANDARD

Applicant also objects as the Court fails to apply the proper standard in this case. At the ~~summary Judgment~~ Juncture, this Court should apply the scintilla standard rather than the Preponderance of the evidence standard. Page 5 of the Final Order of Dismissal provides enlightment that this Court has applied the wrong standard as the order states, "the application shall be summarily dismissed" and then states, "Before this Court will hold an evidentiary hearing, Applicant must make a prima facie showing that he is entitled to relief." (Quoting Welch v MacDougall, 246 SC 258, 143 SE2d 455 (1965).

Also on page 5, the Order clearly, "reasserts its finding in the conditional order of dismissal", which that order neither addressed the scintilla standard but also applied the wrong standard.

This Court and Order should rather, provide its determination regarding each scintilla of evidence Applicant has provided

this Court in support of his claims.

Further and more importantly, this Court fails to accept as true the facts presented by the Applicant and view those facts in the light most favorable to the Applicant. (S.C. Code Ann. 17-27-80).

This Order falls short as the Order nor Respondent disputes the Scintilla of evidence which there is a substantial amount of and is genuine matterial, nor does this Order nor Respondent dispute Applicants facts which refute the assertions of this Court and Respondent and which therefore provides the genuine issues of material fact which support hearings on the procedural questions and merits in this case and also calls for appointment of counsel.

DENIAL OF FUNDAMENTAL RIGHTS TO DUE PROCESS

Applicant will show this Courts violation of the procedural due process and substantial due process rights and the Courts violation of Applicants rights to Equal Protection. All such rights as guaranteed and this Courts violates Applicants United States Constitutional Amendment rights to this Due Process and South Carolina Constitutional

Rights -

This Court does this by -

1. Failure to provide Applicant hearings on his filed motions and failure to place those motions on the Courts Motion Calender.

Also, as the PCR action is a Civil Action, and is governed by the rules of civil procedure (SCRCP), Applicant is ~~treated unfairly as he is treated~~ indifferent to others similarly situated, meaning others who are proceeding in civil actions governed by the SCRCP. The SCRCP, mandates that Applicant should be provided motion hearings and also evidentiary hearing.

2. This Court also violates the seperation of powers doctrine of the United States Constitution and the South Carolina Constitution as this Court has allowed the Office of the South Carolina General to fully advance and adjudicate this case and control the trial and motion dockets in this case. The Court, Judge, simply has served as an adjudicate when ~~a~~ serves to give effect to the desires and will of the attorney general's office. This case has been advanced by way of exparte communication entirely of the South Carolina Attorney General's Office

and this Court without any respect, attention, or credence given to the Applicant.

Violation of Rule 71.1(f) & Rule 77(d) SCRCP

Applicant will also object to the manner in which the Final Order of Dismissal was provided to the Court for entry and filing.

Specifically, Applicant will show the mandate and requirements as stated in the South Carolina Rules of Civil Procedure. Rule 71.1(f), SCRCP states:

> "The post-conviction relief Judge shall submit the signed final order or Judgment to the clerk for filing and the clerk of court shall provide notice of entry of Judgment and serve a copy of the order or Judgment to the parties as provided in Rule 77(d), SCRCP.

Also, Rule 77(d), SCRCP, states as follows:

> "[I]n post-conviction relief actions, the post-conviction relief Judge shall submit the signed order or Judgment to the clerk of court for filing and the clerk shall promptly provide notice of the entry of Judgment and serve a

copy of the signed order to the parties."

Applicant objects to the manner in which this Final Order was provided, handled, and ultimately adjudicated by way of ex parte involvement and communications between the Attorney General's office and this Court.

The above stated rules ~~of~~ the South Carolina Rules of Civil Procedure were violated as the Final Order was signed and presented to the Cherokee County Clerk of Court for filing, entry, and notice of entry by the Attorney General's Office rather than the Judge.

Applicant has cautioned that as this case morphs the unclean hands which are being pressed upon and tilting the scales of justice are sure to be revealed.

See Applicants' Exhibit which is correspondence dated August 7, 2021, from Chelsey F. Marto, Assistant Attorney General written to Brandy W. McBee, Cherokee County Clerk of Court, wherein Chelsey F. Marto provides Brandy W McBee, Clerk of Court the "original" Final Order of Dismissal and writes, "Dear Ms. McBee: Enclosed please find the original Final Order of Dismissal signed by the Honorable J. Derham Cole, in the above captioned

case, for filing in your office. Please forward a time stamped copy to our office for our records."

Chelsey F. Mardo, also provided Applicant a copy of this same signed but unfiled, unentered, Final Order of Dismissal which does not bear the Courts time-stamp, date-stamp. See envelope bearing postage date stamp US Postage dated 9/07/2021.

Applicants constitutional rights, as guaranteed by the South Carolina and United States Constitutions are violated as the seperation of powers doctrine, equal protection clause, and procedural and substantive due process rights are clearly violated.

Such is further violated as the South Carolina Attorney General's Office, as the adversary, has in-fact been the sole adjudicator in this case, deciding the case, controlling the management thereof, has had ex parte communication and suasion in all aspects of this case. See Exhibits

This is extremely significant as Applicant has filed motions which were intentionally submitted as an aim to reveal the Attorney General's Office suasion and finger which tilts the scales of Justice in this case.

Applicant provided correspondence dated August 27, 2021, which was filed in this case on August 30, 2021, whereby Applicant asked that the Cherokee County Clerk of Court would place his motions on the Motion Calander and also that motion hearings would be scheduled.

Significantly, Applicant had filed a Motion For ~~Independent Adjudication and Hearing on Motions~~, and also a Motion For Written Order of the Chief Judge For Administrative Purposes For The Court of Common Pleas For Appointment of Counsel.

The Attorney Generals Office was swift to act in seeking to silence Applicants' requests, as the signed Final Order of Dismissal was quickly and immediately pursued in response.

However, the filings were timely submitted prior to the filing and entry of the Final Order of Dismissal. See Upchurch v Upchurch, 367 SC 16, 624 SEad 643 (2006) ("The effective date of an order is not when it is signed by the Judge, but when it is entered by the clerk of court.")

("An order is not final until it is entered by the clerk of court, and until the order is entered by the clerk of the court, the Judge retains control

of the case.") id. (overruled on other grounds.) The Judge has a ministerial duty to rule on these motions and is bound by the rules of the South Carolina Rules of Civil Procedure. Therefore a motions hearing should be held.

The Cherokee Clerk of Court has a ministerial duty to place the motions on the motions calendar. The motions should be ruled on and should contain the facts, findings and conclusions of law as to the reasons and how the Judge reached his decision.

LACK OF FACT FINDINGS CONCLUSIONS OF LAW

Applicant asks that this Court would issue its facts, findings and conclusions of law as to all matters in this case; the motions, the scintilla standard, successive, statute of limitations, and all other issues, especially and importantly the genuine issues of material fact which exist throughout this case.

The Final Order of Dismissal relies on facts, findings and conclusions which are non existant within the

Conditional Order of Dismissal. Applicant did submit objections and other filings subsequent to the filing of the Conditional Order of Dismissal, therefore the Conditional Order could not possibly address these filings.

That aside, the Final Order of Dismissal simply states Applicants claims and mentions some of the filings the Applicant has submitted to this Court. Neither order has sufficient facts, findings and conclusions of law regarding the issues and matters which Applicant brings before this Court.

Applicant cannot and must not simply infer that all matters were ruled on, but the Order must reflect an accurate and sufficient ruling on all issues and must address each issue and matter specifically.

Applicant has in-fact presented his issues and brought all of them before this Court squarely. This Court has a ministerial duty to rule on these issues, motions, and matters independently and sufficiently.

Applicant is no longer of the faith that this Court will uphold what is right and just so Applicant does not no longer worry about the decision of this Court to be

in his favor, as it should. Rather, Applicant simply now seeks a sufficient ruling on each and every issue, matter, and motion, which contains the facts, findings, and conclusions of law which support its determination and decision with regard to each of these issues.

Applicant does realize that he does not have to agree with the Court's overall determination, however, Applicant is also aware that this Courts reasons for each of the determinations regarding each of the issues must be clearly revealed and addressed each specifically and clearly through the facts, findings, and conclusion of law.

Applicant incorporates all prior filings in this case and supports this Rule 59(E) with the same. Applicant again seeks and asks that the Chief Administrative Judge for Common Pleas would review all filings in this case independently and without any suasion of the Office of the Attorney General.

APPLICANT SEEKS THIS COURTS FINDINGS OF FACT, CONCLUSIONS OF LAW WITH REGARD TO ALL ISSUES PRESENTED which are:

1. Applicant's Genuine issues of material fact
2. The Acceptance of Applicants facts and claims as true and viewing the same in the light most favorable to Applicant
3. The Applicability of Case v State, 277 SC 474, 289 SE2d 413 (1982)

4. The Scintilla Standard and its applicability to this with regard to this Court to dismiss this Case without a hearing

5. Genuine issue of material fact with regard to the procedural questions and the State and Applicants disagreements with regard to the statute of limitations, res Judicata, successiveness, Appointment of Counsel

6. This Courts reasons for not providing motion Hearings, not addressing the motions, not placing the motions on the motion docket

7. Applicants amendment to his PCR concerning this Courts failure to ~~appoint counsel~~ in the prior PCR action to assist in bringing the issues before this court squarely and understandably, procedural questions hearing and Appeal of the dismissal of the PCR

8. As the SC Court of Appeals stated in Creighton v State, Appellate Case No. 2012-213667, 2016-UP-309, (SC Ct App. 2016), 2016 WL 3511866, the SC Ct Appeals "found no South Carolina cases discussing or defining "reasonable diligence" as it relates to section 17-27-45(C); this Court should make its clear ruling regarding Applicants "reasonable diligence" and the fact that a defendant should not have to second guess his lawyer, especially when all documents available to the Applicant reveal that the plea agreement has been applied, complied with, and there is no facial way of foreseeing a future problem or misunderstanding and bad faith of the state. (See Applicants' exhibits as all or most of his exhibits support this.)

VIOLATION OF SEPERATION OF POWERS AND RESULTING PARTIALITY AND PREJUDICE TO THE APPLICANT; VIOLATION OF EQUAL PROTECTION

APPOINTMENT OF COUNSEL

Applicant has continually expressed his desire for an appointment of counsel in this PCR action. This has been requested in motions and several of Applicants filings in this case. Applicant has also attempted to show this Court its clear error in failing to appoint counsel in this action pursuant to Gary v State, 347 SC 627, 557 SE2d 662 (2001) as the State moved for summary dismissal, and that this denial violates Due Process and Equal Protection as guaranteed by the South Carolina and United States Constitutions.

Applicant also shows this Court that it made an identical mistake in his prior PCR action wherein he attempted to raise issues wherein the PCR Court dismissed claiming that the PCR Application lacked specificity and did not raise cognizable claim. (PCR Case No. 2017-CP-11-0486).

Applicat has filed a supplemental Amendment to Application for Post-Conviction Relief in the case at bar whereby he has attempted to show this Court this by raising the issue also as part of this action.

Within this amendment, Applicat has also pointed to the Courts error in failing to appoint counsel to assist Applicant, pursuant to Odom v State, 337 SC 256, 523 SE2d 753 (1999), in filing and perfecting the appeal of summary dismissal in his prior action.

Applicat has also specifically shown this Court that this PCR would not qualify for dismissal dispite any question of successiveness as he files the current application pursuant to Case v State, 277 SC 474, 289 SE2d 413.

Notwithstanding, and despite of Applicants clear reasoning and understandable pleadings regarding this matter, appointment of counsel and case in totality, this Court has not afforded Applicant the opportunity to proceed in this action with the assistance of competent counsel.

As Applicant has attempted to gain an understanding

of why this Court and Lady Justice seems to wear a blindfold so that it cannot see Applicants pleadings and has also decided to place earplugs in its ears so that Applicants voice would not be heard; Applicant has become aware of the administrative order which was issued by then Chief Justice Jean Hoefer Toal. (RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court, Sup. Ct. Order dated October 6, 2008, Order No. 2008-10-06-01).

This administrative order specifies that counsel will not be appointed in cases in which the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit.

However, the Administrative Order fails to inform as to how a PCR applicant is to pursue and obtain such written order. Never-the-less, Applicant filed a Motion For Written Order of the Chief Judge For Administrative Purposes For The Court of Common

Pleas For Appointment of Counsel, with this Court on September 7, 2021. Applicat also filed a Certificate for this motion which certifies that Applicat provided the Honorable J. Derham Cole, Chief Administrative Judge with a copy of the same by serving upon him and also the Respondent in this case. This Motion was actually mailed to the Clerk of Court, Chief Judge, and Respondent on September 1, 2021. Albeit this Motion may not arrived to the Chief Judge's Chambers prior to the date the Chief Judge actually signed the Final Order of Dismissal (Order was signed on August 30, 2021), this would not have barred the Chief Judge from hearing this motion and even changing his mind as the Final Order of Dismissal, although was signed, was not filed in the clerk of Court's office and was not entered as the Judgment. See Bowman v Richland Memorial Hospital, 335 SC 88, 515 SE2d 259 (1999) ("An order is not final until it is written and entered by the clerk of court. Until an order is written and entered by the clerk of court, the Judge retains discretion to change

his mind and amend his ruling accordingly.")

However, Applicant was robbed of such an opportunity as the Respondent was provided the original signed Final Order of Dismissal through Ex parte communication. The Respondent knew that Applicant was beginning to bring light to th seperation of powers violation matters which exist in the PCR case and therefore chose to move quickly, as Applicant had also recently filed a Motion For Independent Adjudication And Hearing on Motions, with this Court on August 16, 2021. Unclean hands attempted to move quickly in attempt to silence the Applicant as Applicant was armed with a flashlight and was beginning to shine the light therefrom on these hands which are pressed secretly upon the scales of justice.

Rather than the Respondent meeting secretly with the Judge and Court, this signed original order should have been submitted to the clerk of court directly for filing as mandated by Rule 7.1(d), SCRCP and Rule 77(d), SCRCP. See also, Russell v Wachovia Bank,

N.A., 370 SC 5, 633 SE2d 722 (2006) ("[T]he trial Judge signed the order granting summary Judgment... That same day, the trial Judge faxed a letter to all attorneys,... notifying them that the order was being filed that day. In addition, the clerk of court file-stamped the Judgment sheet... indicating that the order was filed that day. However, Judgment was not entered by the clerk until [11] days later.]"

Jean Toal's administrative order, which vests control regarding appointment of counsel to pro se, unwary PCR applicants, violates seperation of powers as the control is placed in the hands of the South Carolina Attorney General's Office and thereby impermissably confers Judicial respensibilities upon a member of the executive branch.

See State v Langford, 400 SC 421, 735 SE2d 471 (2012) ("Without a doubt, permitting [the Office of the Attorney General] who represent [the State and is the Respondent] in the case, to [pursuade, induce, impersonate and convert the Attorney General's

Office and serve as] the Judge raises the spector of partiality and calls the validity of the entire system into question.)

("Vesting a member of the executive branch with the exclusive authority to perform an inherently Judicial function unquestionably is a violation of seperation of powers.") id.

("A [PCR Applicant] has a due process right to have his case heard by a fair and impartial Judge.") id.

In seeking to gain an understanding of why the Chief Justice Toal would issue such a questionable order, Applicant finds the Chief Justice's complaint directly within the order as it states, "I find that in many cases counsel are being appointed when the [total Rule 71.1, SCRCP] standard has not been satisfied.

The Chief Justice further complains that, "[In] a significant number of these cases, the application is ultimately denied as being successive or as being barred by the statute of limitations. The appointment of counsel in such cases places an unnecessary burden

on the appointed counsel and violates the mandate of Rule 608(g), SCACR, that appointments should be minimized.")

In the prior year of Chief Justice Toal's issuance of this Order Her Honor did attend the 2007 SC Bar Convention held January 25-27 at Charleston Place, Charleston, South Carolina at the S.C. Bar Association's 22nd Annual Criminal Law Update.

The Chief Justice Toal discussed the routine failure to appoint counsel - in clear violation of the U.S. Supreme Court's mandate in Alabama v Shelton, 535 US 654, 122 Sct 1764 (2002).

The Supreme Court had added Rule 608, SCACR and made it effective on July 1, 2000. This was a new court appointment rule at the time and seemed to be an immediate burden placed on members of the SC Bar. Later, the Task Force on Court Appointments was created by the Board of Governors to address the growing concern for the burden. After presentations of proposed Rule 608 amendments were made by the Board of Governors to the House of Delegates and several amendments thereafter made to Rule 608

finally, in 2012, substantial changes were made to the system for appointments under Rule 608, SCACR.

Betsy Goodale, has written a somewhat recent article titled, 2-4-6-8- Who Do We Appreciate? Rule 608 Contract Attorneys!' This article boasts "The new system of appointments works!"

The overall problem was that adequate funding was not being provided by the General Assembly for civil appointments. Finally in 2012 relief came by way of the 2012-2013 General Appropriations Act.

However, Chief Justice Toal's administrative order is still in effect today and is used as a trap for the unwary. This order has been interpreted to allow the Attorney General's Office handle the entire PCR case in all aspects as Respondent, adversary and adjudicator regarding not only the appointment of counsel, but the entire case in total.

In the case at bar, the clerk of court has refused to place Applicant's motions on the Calendar, File Book, and motion calendar. The clerk of court seems to be unaware of Rule 79(g), SCRCP, and Applicant

asks at this point that the clerk of this Court be compelled to place all motions filed in this case on the motion calendar. Also, Applicant asks that a hearing be held on these motions and that Rule 16(d), SCRCP be adhered to by this Court as motions for hearings are pending as well.

The South Carolina Supreme Court in Langford, has addressed the violation of seperation of powers with regard to the General Sessions trial docket.

As Justice Dean Toal's administrative order came before Langford, and did slip through the cracks without being address and does have an overarching affect over the entire PCR proceeding, the time has now come that the seperation of powers and Equal Protection will be addressed by the Courts in this State with regard to the manner in which PCR matters are held.

An examination of South Carolina case law reveals the absence of appointment of counsel in PCR actions, absence of hearings on procedural questions, and an absence of motion hearings since the issuance of Chief Justice Toal's administrative order. However, in all other civil actions summary hearings and all others continue to exist. Applicant due process right to Equal Protection of Laws are violated

REQUEST FOR A HEARING ON THIS RULE 59(E) MOTION

Applicant does request that this Court will convene a hearing on this motion.

As this case is one which is complex, novel, and has a unique posture, the interest of Justice would require that a hearing ~~which would allow for a fully transcribed~~ proceeding would be convened, and to be made available for the Appellate Court and any and all other interested parties.

This case does involve several Justiciable matters which are of significant public interest.

RECORD PRESERVATION

Applicant also seeks that the record would contain the Requests to Staff which are on the SCDC Kiosk system. Applicant has not been afforded the opportunity to receive a hardcopy of the Requests to Staff due to SCDC policies. Applicant is requesting an Order of this Court that would compel the SCDC to produce and provide these Requests which are a total of approximately eight (8) messages.

CONCLUSION

Applicant prays this Court would alter or amend its Judgment and ultimately rescind the Final Order of Dismissal, grant Applicant motion hearings, hearing on the

procedural questions, hearing on the merits, appointment of counsel, and ultimately an Order which sufficiently and clearly addresses each and everyone of the issues and matters which Applicant has presented.

Should the Court still determine that it would dismiss this action, Applicant prays that Counsel will be appointed to assist in the appeal of its determination.

Most importantly, Applicant prays that the Judge would adJudicate this case independently without bias and without suasion of the Attorney General's office, and would rather rule and adJudicate in the interest of integrity, fairness and Justice. This is a meritorious case.

Respectfully Submitted,

Alonzo C. Jeter, III
APPLICANT / Prose

Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

This 21 day of September, 2021.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S EXHIBIT P

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP 24 PM 1:41
BRANDY W. MCBEE

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibit in this case. See State v Carleson, 363 SC 586, 611 SE2d 283 (2005) ("The burden is on the [Applicant] to provide a sufficient record for review.")

Page

1. Correspondence dated August 7, 2021, from Chelsey F. Marto to Cherokee County Court providing original Final Order of Dismissal
2. Page 1 of unfiled, unentered Final Order of Dismissal (bearing Judges initial or mark at bottom of the page)
3. Envelope from Chelsey F. Marto bearing 9/7/2021 postmark date
4. Envelope from Chelsey F Marto bearing 9/10/2021 postmark date.

S/

Alonzo C. Jeter, III
APPLICANT / prose
Tyger River Correctional Instn
200 Prison Road
Enoree, South Carolina 29335

This 21 day of September, 2021.

ALAN WILSON
ATTORNEY GENERAL

August 7, 2021

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Box 2289
Gaffney, South Carolina 29342

Re: Alonzo Jeter, #282902 v. State of South Carolina
2019-CP-11-0457

Dear Ms. McBee:

Enclosed please find the original Final Order of Dismissal signed by the Honorable J. Derham Cole, in the above-captioned case, for filing in your office. Please forward a time stamped copy to our office for our records.

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

Chelsey F. Marto
Assistant Attorney General

CFM/ec

Enclosure

Cc: Alonzo Jeter, #282902

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, SC 29211-1549 • TELEPHONE 803-734-3970 • FACSIMILE 803-253-6283

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	)	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Jeter, #282902, Applicant,	)	Case No.: 2019-CP-11-0457
v.	)	**FINAL ORDER OF DISMISSAL**
State of South Carolina, Respondent.	)	

This matter comes before the Court pursuant to a post-conviction relief application filed by Applicant Alonzo Jeter on June 19, 2019. Respondent moved to summarily dismiss the application on December 2, 2020, for untimeliness, successiveness, as barred by the doctrine of *res judicata*, and for failure to establish a *prima facie* case of newly discovered evidence.

Pursuant to this request, and after reviewing the attached pleadings pertinent to this matter, this Court issued a conditional order of dismissal dated December 7, 2020, provisionally summarily dismissing the application, but affording the applicant twenty days from service of the conditional order to provide sufficient reasons as to why this order should not be finalized. Applicant was personally served with this conditional order of dismissal on December 23, 2020, as evidenced by the attached affidavit of personal service.

Applicant has filed many responses after the issuance of the conditional order. On December 18, 2020, Applicant filed a letter requesting correspondence between the Attorney General's Office and the South Carolina Department of Corrections dated June 26, 2019 and its incorporated records dated July 10, 2019. The clerk of court for common pleas informed Applicant that they could not assist Applicant with this matter by written letter, filed December 18, 2020.

On December 21, 2020, Applicant submitted a letter requesting a ten day extension in

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Chelsey F. Marto, AAG
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211-1549

Alonzo Jeter, #282902
Dorm-Room-Bunk: U7-0218-A
Tyger River Correctional
200 Prison Road
Enoree, SC 29335

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Chelsey F. Marto, AAG
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, South Carolina 29211-1549

Alonzo C. Jeter, #282902
Dorm-Room-Bunk: U7-0218-A
Tyger River Correctional
200 Prison Road
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BRANDY W. MCBEE

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Alonzo C. Jeter, III, #282902
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

September 27, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

The Clerk of Court DOES NOT schedule PCR matters. That is done by the AG's office. Those matters are also heard in Spartanburg County.

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

9/30/21 BWM

Dear Honorable McBee:

Please inform me of the status of the motions which have been filed in this case. There are at least four (4) pending motions which I have not been informed regarding their status.

Please inform me as to whether or not all motions filed in this case have been placed on a motion calendar or docked, or placed in the hands of the Docket Coordinator for this Court.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
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CHEROKEE COUNTY, S.C.
2021 SEP 30 AM 11:17
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA | IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE | IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

MOTION TO RECUSE
(Pursuant to RULE 501, SCACR)

FILED IN OFFICE OF CLERK OF COURT, CHEROKEE COUNTY, SC
2021 OCT -1 PM 12:1
BRANDY W. MCBEE

The Applicant, Alonzo C. Jeter, III, hereby comes respectfully asking that the Honorable J. Derham Cole be recused from this case.

Recusal from this case is necessary as the Judge is biased, partial, and incapable of rendering an impartial decision(s) concerning the matters in this case.

As a threshhold matter, Applicant would inform this Court on and for the record that the Judge(s) as well as the Clerk of Court for Cherokee County are too involved in this case as their misconceptions and bad faith and questionable actions are the genesis of the issues which exist in the PCR action.

Applicant would show that Judge Cole signed the Conditional Order of Dismissal in Applicants Prior PCR action (2017-CP-11-0486) on December 7, 2017. This Order was filed in the office of the Cherokee Clerk's Office on December 11, 2017. In response, Applicant filed an amendment to the PCR on December 18, 2017, which did

bring his Application for PCR in compliance and did state a claim. However, Judge Cole did not acknowledge this amendment nor any other filings or exhibits which Applicant submitted as support and evidence in the case.

Exercising with bias and prejudice to Applicant, Judge Cole didn't act as quickly upon Applicants' filings as Judge Cole acted upon the Respondents, (Respondent filed its Return and its Request for summary dismissal on December 1, 2017. Judge Cole signed it quickly on December 7, 2017 (six (6) days later)). See the records from this PCR case, Jeter v State, 2017-CP-11-0486, which is filed in this Court (Cherokee County Clerk of Court's Office). See South Carolina Dept. of Social Services, v Janice C., 383 SC 221, 678 SEad 463 (2009) ("A court can take judicial notice of its own records, files and proceedings for all proper purposes, including facts established in its records.")

That aside, Applicant has submitted filings in the case at bar which Judge Cole as well as the Clerk of Cherokee County Court has failed to acknowledge. Applicant would not get a fair adjudication upon this or any other case(s) which are or would be before

the seventh Judicial circuit.

Applicant filed, Applicant's Obdection To Conditional Order of Dismissal in the case at bar on December 28, 2020. Within this filing, Applicant did emphasize the integrity which is demanded by Rule 501, SCACR and Canons regarding Judges and Judicial duties.

Applicant filed a Supplemental Amendment To Application For Post-Conviction Relief and does raise the issue of this Court's (to include Judge Cole) failure, refusal, and error in not providing Applicant Counsel pursuant to Gary v State, when the State moved for summary dismissal, nor counsel to assist in filing nor perfecting the appeal of the summary dismissal pursuant to Odom v State, and other errors of this Court.

Applicant also wrote to Judge Cole beseeching that he would review the filings (all filings) in this case and did object to the Prepared Final Order of Dismissal.

Simply put, the record in this case shows clear bias and conspiracy of the Judge, Attorney General's

Office.

Most importantly, at this point the Judge and all others whom have been involved have been given the benefit of doubt, with a scintilla of trust that the Judge would see his error and make things Just. It's Just not gonna happen and it is sad that our Judicial system is so lacking in integrity. Judge Cole, as this case is currently postured, is being asked to review his own conduct in the prior post-conviction relief proceeding.

Again, this will not work and Judge Cole must be recused. See State v Watkins, 406 SC 360, 752 SE2d 261 (2013) ("[A] criminal defendant may ask the Judge who heard his PCR to recuse [himself] from the retrial of the matter for any of the reasons for which recusal may be sought.")

CONCLUSION

WHEREFORE, APPLICANT prays Judge Cole be recused from this case and that the case be reviewed by a Judge whom is impartial and neutral.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

Respectfully submitted,

Alonzo C Jeter, III
APPLICANT / prose
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

This 28th day of September, 2021.

September 28, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, Applicant's Supplemental Motion To Alter or Amend Judgment; and Motion To Recuse; along with a Certificate of Service for the same
Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT -1 PM 12:18
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Supplemental Motion To Alter or Amend Judgment and Motion To Recuse on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 28th day of September, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, S.C. Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211-1549. The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg SC 29304-1744. The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 28th day of September, 2021

David E. Berry
Notary Public for South Carolina
My Commission Expires: 1-31-30

S/
Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT -1 PM 12:18
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S SUPPLEMENTAL MOTION TO ALTER OR AMEND JUDGMENT (Pursuant to RULE 59(e), SCRCP) AND REQUEST FOR HEARING ON THIS MOTION

The Applicant, Alonzo C. Jeter, III, hereby provides a supplemental Motion To Alter or Amend Judgment which is intended to be incorporated or added to the Motion To Alter or Amend Judgment which Applicant mailed to this Court on September 21, 2021, for filing in this case. Applicant inadvertently failed to include other significant interests and supportive authority as Applicant filed the Rule 59(e) motion in the quickest manner allowed. There are several barriers which Applicant face as he litigates his actions pro se.

Overland, Inc. v Nance, 423 SC 253, 815 SE2d 431 (2018) ("A trial court does not have any power to grant an extension of time in which to file a motion to alter or amend a Judgment.")

This fails as the South Carolina Legislature fails, to consider the barriers and undue hardships along with traps with it and the SCDC's policies have placed upon the unsavvy and incapacitated prisoner.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 OCT PM 12:18
BRANDI W. MCBEE

Applicant has shown that his application for PCR and this entire case in totality presents questions of law and also questions of fact, and all are genuine issues.

Applicant would show this Court that the cases of McElrath v State, 276 SC 282, 277 SE2d 890 (1981) and Brown v State, 423 SC 56, 814 SE2d 146 (2018) has been distinguished by Applicant's case Jeter v Tucker, C/A No. 2:19-cv-1945-MGL-MGB (D.S.C. 2020), due to the very issues of this case at bar. This fact alone is demonstration that genuine material issues of fact and questions of law exist in this case.

Scintilla of evidence and more than a scintilla of evidence has been provided for the record in this case which cannot continually be ignored by the Respondent and this Court.

Applicant would ask that this Court state with specificity why the evidence presented is not even a scintilla. Applicant would ask that this Court state with specificity why the fact that the above cases have been distinguished as a result of the factors which exist in this case does not clearly present questions of fact and questions of law which are genuine material issue.

Rule 71.1(d), SCRCP, (If... the application presents

questions of law or fact which will require a hearing...)

Applicant would also show for indulgence the fact that the Respondent strategically and wisely did not assert the defense of laches in seeking to summarily dismiss Applicants application and claims. The Respondent did raise a claim of laches in the prior PCR action, (Case No. 2017-CP-11-0486), which was erroneously and unreasonably denied by this Court.

This is significant because the Respondent was careful and cautious as laches would have opened the door and dovetailed to explain all unreasonableness of the claim and this Courts prior errors. Whitehead v State, 352 SC 215, 574 SE2d 200 (2002) ("Laches is defined as neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence to do what in law should have been done.")

The evidence that Applicant has provided for the record along with reasonable explanation concerning such and the matters and issues of this case was to clear and convincing, therefore, Respondent would rather choose

to not pursue such a defense as the Respondent would not be able to refute Applicant's reasonable explanation without revealing Respondent's own clear unreasonableness which is in concert with this Court's clear unreasonableness, bias, and prejudice which it has allowed to visit upon the Applicant.

The Respondent has not provided for the record in this case any evidence which would conflict with Applicant's evidence. The Respondent does not refute Applicant's evidence, because it cannot.

EX PARTE COMMUNICATION

Applicant has raised an issue regarding the ex parte communication in this case as well as the act of the Respondent serving as Adversary, Respondent, Judge, and the Clerk of Court, in this case. The Respondent has been provided unfettered, unchecked, control in this case and in the adjudication thereof.

An almost similar matter occured and was raised in the case of Brailsford v Brailsford, 380 SC 443, 669 SE2d 342 (2008). In this case the defendant moved

the court for summary Judgment, and a hearing was held on the motion. During the hearing, where there was oral argument, the trial Judge orally granted summary Judgment. However, it was not until 52 days later that the trial Judge issued a written order granting summary Judgment.

Plaintiff's counsel alleged that the trial Judge engaged in inappropriate ex parte communication with opposing counsel in the interim between the oral granting of summary Judgment and entry of the written order, thereby creating bias or prejudice on the part of the trial Judge.

The South Carolina Court of Appeals ruled that the Plaintiff could not demonstrate that the grant of summary Judgment was affected by, or the product of, bias or prejudice. Further, the Court found that albeit ex parte communication would have occurred before the issuance of the final written order any bias allegedly created by such communication had no effect on the order, and this was evidenced by the fact that the written order was substantially the same as the oral order announced from the bench

prior to such ex parte communication.

In contrast, in the case at bar:

1. There has been no hearing on the motion
2. There has been no oral argument
3. There had been additional filings (several) made in this case subsequent to the filing of the Conditional Order and motion for summary Judgment
4. The Respondent would have had to participate in ex parte dialogue as other filings had not been addressed
5. The Respondent would have had to participate in ex parte dialogue as to the motion filed in the case which were also made well aware of to the Judge by Applicant by and through copies of those being provided to the Judge.
6. The Respondent was well aware of the fact that Applicant intended on hearing from the Judge prior to any signing of a final order

The Respondent and the adjudicator in this case has unclean hands and Applicant seeks that the Judges, the Honorable J. Derham Cole, be recused from this case as he is incapable and has no real intent to render fair and impartial Judgment in this case.

Both, Rule 71.1(f), SCRCP and Rule 77(d), SCRCP, were violated in this case, the Rules mandate that the post-conviction relief Judge **shall** submit the signed order or Judgment to the clerk of court for filing.

Johnston v South Carolina Dept. of Labor, Licensing and Regulation, South Carolina Real Estate Appraisers Board, 365 SC 293, 617 SE2d 363 (2005) ("The term "shall" in a statute means that the action is mandatory.")

It was mandatory that the Judge provide the signed Final Order of Dismissal in this case to the clerk of Court rather than directly to the Respondent in this case. Especially, when both actors knew that Applicant had pending filings, motions, and novel questions of law which were complex and which already questioned the faith of the Judicial system and its integrity with regard to the case in totality.

HEARING ON THE 59(e) Motion

Applicant does understand that he must file the 59(e) SCRCP, motion to preserve his issues raised.

South Carolina Dept. of Transp. v First Carolina Corp. of S.C., 372 SC 295, 641 SE2d 903 (2007) ("It is a litigant's duty to bring to the trial court's attention any perceived error...")

Elam v South Carolina Dept. of Transp., 361 SC 9, 602 SE2d 772 (2004) ("A party may wish to file... a [Rule 59(e), SCRCP] motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it.")

Both the substantive and procedural due process rights of Applicant have been violated and this results in a violation of the Applicants South Carolina and United States Constitutional rights.

See Worsley Companies, Inc. v Town of Mount Pleasant, 339 S.C. 51, 56, 528 SE2d 657, 660 (2000) ("Substantive due process protects a person from being deprived of life, liberty or property for arbitrary reasons."); Hamdi v Rumsfeld, 542 US 507, 509 (2004) (providing procedural due process demands that a citizen deprived of life, liberty, or property

be afforded a meaningful opportunity to contest the factual basis for that deprivation before a neutral decision maker); Carey v Piphus, 435 U.S. 247, 259 (1978) ("Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property.") Applicant again asks that this Court provide a hearing(s) on:

1. Merits of this case in totality
2. Procedural questions
3. Regarding All motions filed
4. Regarding the 59(e) motion

CONCLUSION

Professor Robert M. Cover, "Bob", of Yale Law School, prior to his death wrote:
The principal icon of Justice suggests a myth and the myth may provide a clue to the ambiguities of procedural postures. Justitia - sword and scales with blindfolded eyes. There is a critical ambiguity to the blindfold of Justice - which no end of

explanation in terms of "impartiality" can illuminate. Surely, Justitia is blindfolded so that she may be impartial, but just as surely her blindfold cannot function on that level alone.

An essay within the Yale Law Journal speaks of this and Bob's insight (96 Yale L.J. 1727) and provides as follows:

Justitia blindfolded is not dusticia blind, and therein is suggested a critical dimension for procedure. Political cartoonists have often seized upon this dimension of the icon and portrayed Justitia "peeking" in order to illustrate the willful failure of impartiality. The blindfold (as opposed to blindness) suggests an act of self-restraint. She could act otherwise and there is, thus, an ever-present element of choice in assuming the posture

WHEREFORE, Applicat prays for a ruling on all issues and matters, motions, etc which he has presented in this case. Applicat prays for the impartiality and integrity of this court that there would be a Judge as and Judicator to act and rule without bias and prejudice to Applicat. Applicat seeks that the Honorable J. Derham Cole be recused.

Applicant also seeks that all issues raised in his original Application as well as his Supplemental Amendments be ruled on sufficiently and include facts, finding, and conclusions of law, to include this Court's failure to provide counsel pursuant to Gary v State and Odom v State, and failure to provide a hearing pursuant to McCoy v State regarding the procedural questions, and Chambers v State and Delaney v State with regard to the merits.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

This 28th day of September, 2021.

September 30, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, Applicant's Exhibits Q, R, S, and T, along with a Certificate of Service for the same.

Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C
2021 OCT -4 AM 11:43
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Exhibits Q, R, S and T; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 30th day of September, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, SC Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 30th day of September, 2021

David E Berry
Notary Public for South Carolina
My Commission Expires: 1-31-30

s/
Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT -4 AM 11:43
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT,

Case No. 2019-CP-11-0457

APPLICANT's EXHIBITS
Q, R, S, and T

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT -7 AM 11:43
BRANDY MCBEE

The Applicant, Alonzo C. Jeter, III, #282902, hereby submits the following as Exhibits Q, R, S, and T in this case:

Exhibit Q - Form 4 Order of Judge J. Derham Cole, dated December 11, 2017, in the case of

Exhibit R - Correspondence dated January 5, 2018, from Judge J. Derham Cole, regarding case

Exhibit S - Correspondence dated August 6, 2018; Applicant's request for counsel from the Office of Appellate Defense

Exhibit T - Correspondence dated September 5, 2018, from Judge R. Keith Kelly

State v Carlson, 363 SC 586, 611 SE2d 283 (2005) (The burden is on the [Applicant] to provide a sufficient record for review); Hankins v Greenville County, 340 SC 606, 533 SE2d 886 (2000) (noting the [Applicant] has the burden of presenting an adequate record on appeal); See also S.C. Code Ann. §17-27-40, 50 et seq.

Respectfully submitted,

Alonzo C. Jeter, III, #282902
APPLICANT / prose
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

This 30th day of September, 2021.

40

302

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP1100486

Alonzo Columbus Jeter, III #282902		**State Of South Carolina**	

PLAINTIFF(S) **DEFENDANT(S)**

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

FILED IN OFFICE
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2017 DEC 11 PM 3:39
BRANDY W. MCBEE

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/ J. Derham Cole	**2053**	**12/11/2017**
Circuit Court Judge	**Judge Code**	**Date**

41
303

For Clerk of Court Office Use Only

This judgment was entered on 12/11/17, and a copy mailed first class or placed in the appropriate attorney's box on 12/11/17, to attorneys of record or to parties (when appearing pro se) as follows:

Alonzo Columbus Jeter, III, #282902
Perry Corr Inst Q1-B-215
430 Oaklawn Rd.
Pelzer, SC 29669

Alan McCrory Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Brandy W. McBee - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2017 DEC 11 PM 3:29
BRANDY W. MCBEE

92
304

State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

J. Derham Cole
Judge

180 Magnolia Street, 2nd Floor
Spartanburg, SC 29306

January 5, 2018

Mr. Alonzo Jeter, III
Q1-B-215/ #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Dear Mr. Jeter:

Our office is in receipt of several letters of correspondence from you. This is to inform you I have forwarded your mail to the office of Judge Keith Kelly who is now the Common Pleas Administrative Judge for 2018 in the 7th Circuit. Please address any further correspondence to him at the Spartanburg Court House, 180 Magnolia Street, Spartanburg, SC 29306.

Sincerely,

Clerk

August 6, 2018

Alonzo C. Jeter, III
Perry Correctional Institution
430 OAKLAWN ROAD
Pelzer, SC 29669

RECEIVED
AUG 09 2018
S.C. SUPREME COURT

Mr. Robert Dudek, Esq.
S.C. Commission on Indigent Defense
Post Office Box 11433
Columbia, SC 29211-1433

RE: Alonzo C. Jeter, III, Appellant, v. State of South Carolina, Respondent
Circuit Court Case No. 2017-CP-11-0486

Dear Mr. Dudek:

Please find enclosed my Notice of Appeal of the ruling in this PCR action. I am requesting an attorney with the Office of Appellate Defense be appointed to handle this appeal. Please have someone in your office contact me about the same.

Thank You for your assistance in this matter.

Sincerely,

Alonzo C Jeter, III
APPELLANT

306

State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

R. Keith Kelly
Judge

125 E. Floyd Baker Boulevard
Gaffney, SC 29340
Phone: (864) 487-2581
Fax: (864) 487-2772
kkellyj@sccourts.org

September 5, 2018

Mr. Alonzo C. Jeter, III
Perry Correctional Institution
Q2-A-108/282902
430 Oaklawn Road
Pelzer, South Carolina 29669

Re: Alonzo C. Jeter, III v. State of South Carolina
2017-CP-11-0486

Dear Mr. Jeter:

The Court is in receipt of your Objection to Final Order of Dismissal in the above case. Per the court file, you have appealed Judge Kelly's Final Order of Dismissal dated July 23, 2018. Thus, any further action taken on your case will be taken by the Court of Appeals.

I wish you the best of luck in this matter.

Respectfully,

Law Clerk to the Honorable R. Keith Kelly

Cc: Jordan Cox (via email)

October 1, 2021

Alonzo C. Jeter, III, #282962
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
OCT 12 PM 12:48
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find Correspondence to Judge Cole, dated October 1, 2021; Correspondence (Inquiry) to your office, dated October 1, 2021; Certificate of Authenticity; Motion For Assistance With Copies And The Costs And Expenses Thereof, along with a Certificate of Service for the same.

Enclosed, please also find an additional copy of ~~these~~ said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT 12 PM 12:48
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the Correspondence dated October 1, 2021, which is intend for Judge Cole requesting copy of any and all communications regarding this case; Correspondence dated October 1, 2021, which is intended for Clerk, Brandy W. McBee seeking to be informed of the authority which allows the Office of Attorney General to serve as scheduler, decider, etc in this case; Certificate of Authenticity; and Motion For Assistance With Copies And The Costs And Expenses Thereof, on Respondent by placing a copy of the seeme inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 7th day of October, 2021, for mailing via the United States mail, addressed as follows: Chelsey F. Marto, AAG, SC Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable J. Derham Cole, PO Box 1744, 180 Magnolia St. 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me
this 7th day of October, 2021

Notary Public for South Carolina
My Commission Expires: 2/3/2024

s/
Alonzo C. Jeter, III, #282902
APPLICANT / prose

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

309

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 OCT 12 PM 2:48
BRANDY W. McBEE

October 1, 2021

Alonzo C. Jeter, III, #298
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking that you would please inform me what Court rule, statutory authority, etc., does your office base its decision to allow the Office of the Attorney General (State/Respondent) to schedule, decide whether or not motions would be placed on the motions calendar, decide whether or not motions will receive a motions hearing, and any other scheduling and decision-making in Post-Conviction Relief cases.

Please do not construe this inquiry as a solicitation for legal advice. Rather, I am seeking to know regarding the ministerial duties of this Court vs those of the Attorney General as mandated by statutory authority.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

310

Alonzo C. Jeter, III, #282802
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 OCT 12 PM 12:48
BRANDY MCBEE

October 1, 2021

The Honorable J. Derham Cole
Chief Administrative Judge
Post Office Box 1744
180 Magnolia Street, 2nd Floor
Spartanburg, South Carolina 29304-1744

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Judge Cole:

I write seeking that you will please provide me a copy of any and all communications which have occurred between yourself, your office, your chambers, etc and the Attorney General's Office with regard to the above captioned case and/or any issues, matters, scheduling, etc., thereof. This request concerns but is not limited to telephone conversations, email, fax, text, written correspondence, and any other means in which this case has been communicated.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 CERTIFICATE OF AUTHENTICITY (pursuant to S.C. Code Ann. §17-27-40)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 OCT 12 P 12:48
BRANDY W. MCBEE

The Applicant, Alonzo C Jeter, III, hereby certifies that the facts which Applicant has provided unto this Court which are within the personal knowledge of the Applicant are true and correct.

Further, the Applicant also hereby certifies that any and all documents and exhibits which has been submitted by the Applicant in this case are authentic, true and correct.

WHEREFORE, the facts within the personal knowledge of the Applicant and the authenticity of all documents and exhibits which have been submitted in this case are sworn to affirmatively as true and correct. RULE 901, SCRE.

Respectfully submitted,

Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 1st day of October, 2021.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR ASSISTANCE WITH COPIES AND THE COSTS AND EXPENSES THEREOF (Pursuant to S.C. Code Ann. §17-27-60)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 OCT 12 PM 12:46
BRANDY W. MCBEE

The Applicant, Alonzo C. Jeter, III, hereby motions this Court that it would issue an order which would provide Applicant assistance with obtaining copies (amounts of copies necessary for service and filing of future filings in this case, to include the necessary copies for future filings which would be made on review of this Court's decision).

Applicant seeks an Order of this Court which would order that the South Carolina Department of Corrections provide such copies of Applicant's future Court filings as necessary. In Addition, Applicant would seek an order that such copies be provided without costs as Applicant is indigent, destitute, and a pauper.

In the alternative, Applicant requests that this Court would issue an Order which would direct that the South Carolina Department of Corrections shall produce one (1) copy of such future filings which Applicant shall retain as "proof", and that the Originals shall be forwarded to the South Carolina Office of Indigent Defense for the purpose that the Office of Indigent Defense shall produce the necessary amount of copies for service and filing.

WHEREFORE, Applicant prays this Court would issue such order(s) as requested above pursuant to S.C. Code Ann. § 17-27-60 as Applicant is indigent and has not the capacity to continue in this action meaningfully without such assistance due to the complexity of this case, his involvement in other actions which he is currently proceeding as a pro se litigant, and the undue hardships caused by circumstances of being an incarcerated prisoner along with other problems that the South Carolina Department of Corrections has and which is also caused by its policies and procedures.

Respectfully submitted,

Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 1st day of October, 2021

ALAN WILSON
ATTORNEY GENERAL

October 13, 2021

The Honorable Brandy W. McBee
Clerk of Court, Cherokee County
Post Office Drawer 2289
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, #282902 v. State of South Carolina**
2019-CP-11-0457

Dear Ms. McBee:

Enclosed please find the original **Return to Applicant's Motion to Alter/Amend Judgement** of the Respondent, in the above-captioned case, for filing in your office.

Sincerely,

Chelsey F. Marto
Assistant Attorney General

CFM/ec

Enclosures

cc: Alonzo C. Jeter, III, #282902

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Jeter, III, #282902, Applicant, vs STATE OF SOUTH CAROLINA, Respondent.	IN THE COURT OF COMMON PLEAS 2019-CP-11-0457 AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the **Return to Applicant's Motion to Alter/Amend Judgement** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Alonzo C. Jeter, III, #282902
Dorm-Room-Bunk: U7-0218-A
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

DATED this 13th Day of October, 2021.

Eva Cook, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Jeter, III, #282902, Applicant, v. State of South Carolina, Respondent.	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT Case No.: 2019-CP-11-0457 **RETURN TO APPLICANT'S MOTION TO ALTER/AMEND JUDGMENT**

This matter comes before the Court by way of Applicant's "Motion to Alter/Amend Judgment." Respondent, making its return to the motion, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. In September 2004, the Cherokee County Grand Jury indicted Applicant for two counts of possession of crack cocaine (2004-GS-11-925 and -926). Don Thompson, Esquire represented Applicant. On October 12, 2004, Applicant pled guilty as charged before the Honorable Roger L. Couch. Judge Couch sentenced Applicant to three years' imprisonment for each charge, sentences running concurrently, suspended upon the service of time served and three years' probation. Applicant did not appeal his conviction or sentence.

First PCR Action: (2017-CP-11-0486)

Applicant subsequently filed his first PCR application on June 19, 2017, alleging:

1. "Breach of agreement between attorney, solicitor, and myself."
   a. "My offenses [were] to merge as only a 1st offense."

Respondent made its return and motion to dismiss on December 1, 2017, requesting the case be summarily dismissed for untimeliness, failure to state a claim, and as barred by the

doctrine of *laches*. On December 7, 2017, the Honorable J. Derham Cole, circuit court judge, issued the conditional order of dismissal. Applicant's objection to the conditional order of dismissal was filed on December 27, 2017. The Honorable R. Keith Kelly issued the final order of dismissal, summarily dismissing the case for untimeliness, failure to state a claim, and as barred by the doctrine of *laches*.

Applicant filed a *pro se* notice of appeal, date August 6, 2018. Applicant was requested to file a 243(c) explanation for the appeal by written letter from the Supreme Court of South Carolina dated August 10, 2018. Applicant filed his Rule 243(c) explanation on August 16, 2018. The Supreme Court of South Carolina dismissed the matter by written order dated January 11, 2019, for failure to show that there is an arguable basis for asserting that the determination by the lower court was improper. The remittitur was issued on January 29, 2019.

First Habeas Corpus Action: (2:19-cv-01945-MGL-MGB)

Applicant filed a *pro se* petition for writ of habeas corpus under 28 United States Code Section 2254 on July 16, 2019. Applicant set forth the following grounds for relief:

1. "Ineffective assistance of counsel – Sixth Amendment. Plea Counsel failed to ensure that the agreement and understanding of the terms of the plea were written on the sentencing sheet. Plea Counsel failed to make a motion for clarification of the sentence structure ensuring that the sentencing sheets reflected the agreement and understanding that my plea a[] conviction would merge and be considered one 1st offense conviction for enhancement purposes."
2. "Due Process Violation – The PCR Court and the South Carolina Supreme Court violated my rights to Due Process as both courts failed to consider the [veracity] and genuine issues of material fact regarding my claims."
3. "The lower courts violated my rights to the assistance of counsel pursuant to the Sixth Amendment of the United States Constitution and Rule 71.1(D) of the South Carolina Rules of Civil Procedure, thereby also violating my rights to due process as well."

Respondent filed its return and motion for summary judgment on or around September 9, 2019. On January 14, 2020, Magistrate Judge Mary Gordon Baker issued the report and recommendation that Applicant's petition be dismissed without prejudice for lack of subject

matter jurisdiction or, in the alternative, stayed. *Jeter v. Tucker*, 2:19-cv-1945-MGL-MGB (D.S.C. filed Jan. 14, 2020). Respondent's objection to the report and recommendation was made on January 24, 2020. Applicant's reply to the objection was made March 6, 2020.

On March 5, 2020, the Court Judge adopted the Magistrate's report and recommendation, dismissing the action without prejudice, denying Applicant's motion for a certificate of appealability, and rendering any remaining motions as moot. *Jeter v. Tucker*, 2:19-cv-1945-MGL-MGB (D.S.C. filed Mar. 5, 2020).

A petition for permission to appeal was filed in the United States Court of Appeals for the Fourth Circuit on April 17, 2020. The Fourth Circuit Court dismissed the appeal by unpublished order on August 25, 2020. *Jeter v. Tuckerm*, 20-6456 (4th Cir. Aug. 25, 2020). Applicant filed a petition for rehearing and rehearing *en banc*, which was denied by written order, filed October 5, 2020. *Jeter v. Tuckerm*, 20-6456 (4th Cir. Oct. 5, 2020).

II.

Respondent submits this Court properly ruled on all issues in its original orders summarily dismissing the case and Applicant's motion should be denied. In his motion, Applicant asserts that several of his allegations are not addressed sufficiently and asks this Court to reconsider its ruling. Respondent submits that this Court's order of dismissal contains the required findings of facts and conclusions of law as required by South Carolina Code Annotated Section 17-27-80 (1976) and Rule 52(a) SCRCP. *See also McCray v. State*, 305 S.C. 329, 408 S.E.2d 241 (1991). Respondent submits Applicant's arguments are better made on appeal and the Court should dismiss Applicant's motion.

III.

WHEREFORE, having made its return to the motion, the State requests that the relief requested in the motion be denied and that said motion be dismissed.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: Chelsey F. Marto
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0386

October 13, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

October 25, 2021

The Honorable Brandy W. McBee
Clerk of Court, Cherokee County
Post Office Drawer 2289
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT 29 PM 1:04
BRANDY W. McBEE

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the REPLY TO RESPONDENT'S RETURN TO APPICANT'S MOTION TO ALTER OR AMEND JUDGEMENT, APPLICANT'S EXHIBITS U, V, and W, CERTIFICATE OF AUTHENTICITY, and Certificate of Service for the same.

Enclosed, please also find an additional copy of these documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC
2021 OCT 29 PM 1:
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the REPLY TO RESPONDENT'S RETURN TO APPLICANT'S MOTION TO ALTER OR AMEND JUDGEMENT, APPLICANT'S EXHIBITS U, V, and W, and CERTIFICATE OF AUTHENTICITY; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personel on this 26th day of October, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, SC Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable J. Derham Cole, PO Box 1744, 180 Magnolia St., 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

SWORN and Subscribed before me.
this 26th day of October, 2021

Paul Dennis Cook
Notary Public for South Carolina
My Commission Expires: Dec. 10, 2024

s/
Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

Case No. 2019-CP-11-0457

CERTIFICATE OF AUTHENTICITY
(Pursuant to S.C. Code Ann. §17-27-40)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, SC
2021 OCT 29 PM 1:07
BRANDY W. HOOD

The Applicant, Alonzo C. Jeter, III, hereby certifies that the facts which Applicant has provided unto this Court which are within the personal knowledge of the Applicant are true and correct.

Further, the Applicant also hereby certifies that all documents and exhibits which has been submitted by the Applicant in this case are authentic, true, and correct.

WHEREFORE, the facts within the personal knowledge of the Applicant and the authenticity of all documents and exhibits which have been submitted in this case are sworn to affirmatively as true and correct. RULE 901, SCRE; RULE 5, SCRCP; SC Code Ann. §17-27-40, 50.

SWORN and Subscribed before me
this 26th day of October, 2021
Rachel Denise Cruse
Notary Public for South Carolina
My Commission Expires: Dec 10, 2024

s/
Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 25th day of October, 2021.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 REPLY TO RESPONDENT'S RETURN TO APPLICANT'S MOTION TO ALTER OR AMEND JUDGEMENT

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 OCT 29 PM 1:04
BY AMY MCBEE

Applicant, Alonzo C. Jeter, III, hereby submits a Reply to the Respondent's Return with regard to Applicant's motion to Alter or Amend Judgement. As such, Applicant states as follows:

Applicant received copy of the Return to Applicant's Rule 59(e) motion on October 20, 2021, by and through the Tyger River Correctional Institution's Legal Mail System.

Ultimately, Respondent's Return is composed of only a single paragraph whereby Respondent claims that "this Court properly ruled on all issues in its original orders... [and] that this Court's order of dismissal contains the required findings of facts and conclusions of law as required by South Carolina Code Annotated Section 17-27-80 (1976) and Rule 52(a), SCRCP."

Respondent contends that "Applicant's motion should be denied" and further avers that "Applicant's arguments are better made on appeal.

Applicant would submit that, as usual, the Respondent does

not acknowledge the clear errors which Applicant has specifically pointed out. The Respondent's assertions has been unreasonable throughout this entire action and this Court should not support such unreasonableness by joining hands with the Respondent and turning a blind eye.

See section 17-27-80 of the South Carolina Code of Laws, which provides, "The [PCR] court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented." The PCR Order of Dismissal does not comply with this mandate.

Therefore Applicant files his Rule 59(e) motion on this threshhold basis. See Humbert v State, 345 SC 332, 337, 548 SE2d 862, 865 (2001) (stating the failure to file a Rule 59(e) motion as to an issue not addressed by the PCR court leaves the issue unpreserved.)

Also, Rule 52(a), SCRCP, provides in pertinent part, "In all actions tried upon the facts without a jury..., the court shall find the facts specially and state seperately its conclusions of law thereon."

The South Carolina Supreme Court has again, as it has continually had to resort to doing so due to insufficient PCR Court orders, reiterated, "We simply require the PCR court to set forth appropriate findings of fact and conclusions

of law, whatever they may be." Fishburne v State, 427 SC 505, 832 SE2d 584 (2019).

See Love v State, 428 SC 231, 834 SE2d 196 (2019) (The PCR court erred in summarily denying the motion to amend without seperately considering each proposed amendment.) This Court has not, also, provided a sufficient ruling regarding Applicant's amendments.

In this Order, some of Applicants issues and averments are simply stated, but without a ruling of this Court on them.

However, Applicant has clearly and fairly presented the issues and errors along with the 59(e) motion and all prior filings which are incorporated.

Applicant's grounds, facts, issues, and exhibits are not disputable and all such has been presented face-up and squarely along with proper and sufficient operative facts and the controlling legal principles regarding the same.

As such, as the Applicant cannot force this Court to do anything, this does not prevent the preservation of all issues and matters which Applicant has raised. See e.g., Matthews v Evatt, 105 F3d 907 (4th Cir. 1997); In Re Exhaustion of State Remedies in Criminal and Post-Conviction Relief Cases, 321 S.C. 563, 564, 471 SE2d 454 (1990);

Aiken v State, 2005 WL 7145302.

MOTION FOR HEARING

Applicant does renew his motion for a hearing on this Rule 59(e) motion.

MOTION TO RECUSE

Applicant does renew his motion to Recuse and albeit Applicant does provide The Honorable Judge Cole a copy of this motion because there has been no ruling made on the motion to recuse which was filed; Applicant would seek that an impartial and unbiased Judge would rule on the issues in this case. The Honorable Judge Cole has elected to allow the Office of the Attorney General to make his decisions rather than His Honor making his independent and unpersuaded adjudication. Applicant seeks His Honor's recusal.

CONCLUSION

WHEREFORE, Applicant prays this Court would remain Honorable and with Integrity by removing all bias, prejudice, inequity, and unclean hands which

press upon the scales of Justice.

All issues which have been raised in this case are squarely presented and Applicant would pray this Court exercise its ministerial duty of sufficiently ruling upon each and every issue which has been raised, including such issues which have been raised within Applicant's submitted objections and all filings which has been submitted for this Courts adjudication and review.

Respectfully submitted,

Alexzo C Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 25th day of October, 2021.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457 APPLICANT'S EXHIBITS U, V, and W

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT 29 PM 1:04
BRANDY W. MCBEE

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits U, V, and W in this case:

Exhibit U - Correspondence dated October 15, 2021, from the Spartanburg County Clerk's Office

Exhibit V - Correspondence dated October 11, 2021, inquiry to Spartanburg County Clerk Amy W. Cox

Exhibit W - Correspondence dated September 16, 2021, from Jasper County Clerk's Office

State v Carleson, 363 SC 586, 611 SE2d 283 (2005) (The burden is on the [Applicant] to provide a sufficient record for review); see also SC Code Ann § 17-27-40, 50 et seq.

Harkins v Greenville County, 340 SC 606, 533 SE2d 886 (2000), (noting the [Applicant] has the burden of presenting an adequate record on appeal.)

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 25th day of October, 2021.

Spartanburg County Exhibit 1 329

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2259

Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 NOV -4 PM 3:26
BRANDY W. MCBEE

From: Spartanburg County Clerk of Court Office

_____ Master's fee required
_____ Signature required
_____ Original document required
_____ Satisfaction of Judgment required
_____ Check or Money Order must be made payable to the Clerk of Court
_____ Insufficient filing fee: Please submit a business check or money order in the amount of $
_____ Coversheet not included *(SCCA/23)*
_____ This is not a Spartanburg County Case
_____ Please check our website for the requested information *www.spartanburgcounty.org*
_____ Please submit all 7 pages of your completed PCR Application
_____ I suggest you contact your attorney
_____ A court date has not been scheduled for your case(s)
_____ All copies are $1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of $_____.
_____ Please refer to our website for further assistance *www.spartanburgcounty.org* select SERVICE-COURT SERVICES-PUBLIC INDEX.
_____ Documents must be electronically filed on case
__X__ Other: **This office clocks, files, and forwards filings to the Attorney General's PCR Department. We do not maintain a PCR docket as that is handled by the Attorney General's office. Please note records indicate your PCR is in Cherokee County and not Spartanburg County therefore we cannot process your filings to a case and you will need to contact the Cherokee Clerk of Court regarding case filings.**

From **MF Deputy Court Clerk** Date: **10/15/2021**

Exhibit 2

Alonzo C. Jeter, III #282902
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

October 11, 2021

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 NOV -2 PM 3:26
BRANDY L. MCBEE
CLERK OF COURT
FILED
2021 OCT 15 AM 9:10
CLERK OF COURT SPARTANBURG COUNTY
AMY W. COX

The Honorable Amy W. Cox
Clerk, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

RE: Motions in PCR Actions

Dear Honorable Cox:

I write seeking that you will please inform me as to what happens with motions when prose PCR Applicants file these prior to any evidentiary hearing or Return filed by the Attorney General's Office.

When motions are filed in PCR actions, are the motions immediately placed on a motions calendar or docket, placed in the hands of the Docket Coordinator, forwarded to the Judge for his consideration?

Or, Are such motions immediately forwarded to the Office of Attorney General for its consideration thereof any any scheduling regarding such motion.

Please provide me a copy of this correspondence which bears this Court stamp or other indicia which would confirm this correspondence was received by your office.

Please also allow your response to contain verifyable indicia of your office as well.

Thank you for your assistance in this matter.

Sincerely,

Horace C. Teter, III

FILED
2021 OCT 15 AM 9:10
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

Exhibit 3

332

Jasper County Clerk of Court

Post Office Box 248 • Ridgeland, South Carolina 29936
Phone: (843) 726-7710 • Fax: (843) 726-7782

Margaret Bostick
Clerk

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 NOV -4 PM 3:26
BRANDY W. MCBEE

September 16, 2021

Alonzo C. Jeter III #282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

Dear Mr. Jeter,

Please be advised that we have received your letter regarding Post-Conviction Motions Calendar. Once you file a Post-Conviction Relief Application to the court where you were sentenced; the application is forwarded to the South Carolina Attorney General's Office. The Office of the South Carolina Attorney General schedules all hearings relating to Post-Conviction Relief. If you have any questions or concerns, please feel free to contact the Clerk of Court office that has your sentencing information. Thanking you in advance for your cooperation in this matter.

Jasper County Common Pleas Clerk

Alonzo C. Jeter, III, #282902
Manning Reentry / Work Release Center
502 Beckman Drive
Columbia, SC 29203

November 30, 2021

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 DEC -3 PM 12:46
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

RE: Alonzo C. Jeter, III, v State, Case No. 2019-CP-11-0457
Notice of Change of Address

Dear Honorable Clerk:

I write seeking to provide NOTICE to this Court and the Respondent in this case, of Change of Address. Please make note and in-turn forward all future correspondence and filings in the above captioned case to Manning Reentry, Work Release Center.

Respondent is also being notified by copy of this correspondence.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Masto, AAG
Hon.

Alonzo C. Jeter, III, #282902
Manning Reentry / Work Release Center
502 Beckman Drive
Columbia, SC 29203

November 30, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

RE: Alonzo C. Jeter, III, v State, Case No. 2019-CP-11-0457
Notice of Change of Address

Dear Honorable Clerk:

I write seeking to provide NOTICE to this Court and the Respondent in this case, of Change of Address. Please make note and in-turn forward all future correspondence and filings in the above captioned case to Manning Reentry, Work Release Center.

Respondent is also being notified by copy of this correspondence.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG
Hon.

RECEIVED
NOV 30 2021
MCI MAIL ROOM

November 30, 2021

Alonzo C. Jeter, III, #282902
Manning Reentry / Work Release Center
502 Beckman Drive
Columbia, SC 29203

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 DEC -3 PM 12:46
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, SC 29342-2289

RE: Alonzo C. Jeter, III, v State, Case No. 2019-CP-11-0457

Dear Honorable Clerk:

I write seeking that you will please inform me regarding the status of the above captioned case. I did receive the Judge's Final Order of Dismissal, and did file a Rule 59(e) motion.

I write in the interest of certainty and out of an abundance of caution seeking to confirm there has been de ruling and Order made in this case with regard to the filed Rule 59(e) motion, and other motions filed in this case.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG
Hon.

Alonzo C. Jeter, III, #282902
Manning Reentry / Work Release Center
502 Beckman Drive
Columbia, SC 29203

November 30, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, SC 29342-2289

RE: Alonzo C. Jeter, III, v State, Case No. 2019-CP-11-0457

Dear Honorable Clerk:

I write seeking that you will please inform me regarding the status of the above captioned case. I did receive the Judge's Final Order of Dismissal, and did file a Rule 59(e) motion.

I write in the interest of certainty and out of an abundance of caution seeking to confirm there has been a decision and order made in this case with regard to the filed Rule 59(e) motion, and other motions filed in this case.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG
Hon.

RECEIVED
NOV 30 2021
MCI MAIL ROOM

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 15, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, SC 29342-2289

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 DEC 21 AM 11:03
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State; Case No. 2019-CP-11-0457

Dear Honorable McBee:

I mailed correspondence to you dated November 30, 2021, wherein I asked that you would inform me of the status of this case. Specifically, I seek to know if there has been a ruling made on the Rule 59(e), SCRCP, motion that I have filed in this action as well as any and all other motions which I have filed.

Please inform me regarding the status of these motions. Also, please do inform me of who schedules the hearing and adjudication of and with regard to motions that I file in this case.

Please do provide me your written response bearing your signature and the indicia of this Court rather than your usual generic letter which bears no signature of this Court.

Enclosed, please find a self-addressed stamped envelope along with an additional copy of this letter. Please return to me

a file stamped copy of this letter, along with your response.

Lastly, you supplied me a printout of the Case History for this case and on this Case History it is reflected that I am represented by Rodney Wade Richey, Esq.

Has this attorney been appointed by this Court to represent me in this action? I have not received any correspondance or communication from this Court nor attorney Richey which notifies me of such appointment.

Secondly, this Case History fails to reflect my current address of Manning Correctional Institution. Please do update to allow your records and the record in this case to correctly reflect my current mailing address which is:

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Please do allow your response to address each concern I have inquired within this letter. Thank you for your attention. Respondent is being notified by copy of this correspondance.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
PLAINTIFF,

V

State of South Carolina,
DEFENDANT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-04157

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 DEC 21 AM 11:04
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have mailed to and served a copy of Applicant's Correspondence dated December 15, 2021; on Respondent by placing the same inside of a postage prepaid envelope and by placing said envelope in the hands of Manning Correctional Institution's mailroom personnel, on this 15th day of December, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, PO Box 11549, Columbia, SC 29211; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Drawer 2289, 125 E. Floyd Baker Blvd., Gaffney, SC 29342.

S/

Alonzo C. Jeter, III
APPLICANT

By Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 15, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
P O Drawer 2289
Gaffney, SC 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Applicant's Exhibits X, Y, and Z, and Certificate of Authenticity, along with a Certificate of Service for the same.

Enclosed, please find an additional copy of these documents along with ~~a self-addressed~~ a self-addressed stamped envelope. Please return to me, file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 DEC 28 AM 8:37
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the APPLICANT'S EXHIBITS X, Y, and Z and Certificate Of Authenticity; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personel on this 16th day of December, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, SC Attorney Generals Office, Post Office Box 11549, Columbia, SC 29211-1549. The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, SC 29342.

S/ [signature]
Alonzo C. Jeter, III
APPLICANT

Manning Correctional Institution
502 Beckham Drive
Columbia, SC 29203

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 DEC 28 AM 8:37
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

APPLICANT'S EXHIBITS
X, Y, and Z and
CERTIFICATE OF AUTHENTICITY

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits X, Y, and Z in this case:

Exhibit X - Correspondence from SC Supreme Court, dated September 1, 2021

Exhibit Y - Administrative Order, 2008-10-06-01, Jean H. Toal, Appointment of Counsel in PCR Cases

Exhibit Z - Correspondence from SC Supreme Court dated December 6, 2021 and Applicant's Correspondence to Chief Justice Donald Beatty, dated December 2, 2021.

CERTIFICATE OF AUTHENTICITY, SC Code Ann §17-27-40,50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are authentic, true, and correct.

RULE 901, SCRE; RULE 5, SCRCP

s/ _____
Alonzo C. Jeter, III

s/ _____
Alonzo C. Jeter, III
APPLICANT/pro se

Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Sworn and Subscribed before me
this ___ day of _____, 2021

_____
Notary Public for South Carolina
My Commission Expires: _____

This 16th day of December, 2021

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 DEC 28 AM 8:37
BY ANDY W. [illegible]

Exhibit – X

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

September 1, 2021

Alonzo C. Jeter, III, 282902
Tyger River Correctional Institution
Upper Yard
200 Prison Road
Enoree SC 29335-9308

Dear Mr. Jeter:

This responds to your letter to the Chief Justice dated August 9, 2021, with regard to an October 6, 2008 administrative order concerning the appointment of counsel in post-conviction relief matters. This administrative order remains in effect. A copy of this order, *RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court*, Sup. Ct. Order dated Oct. 6, 2008), is attached.

Very truly yours,

DEPUTY CLERK

Exhibit - Y

2008-10-06-01

The Supreme Court of South Carolina

RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court

ADMINISTRATIVE ORDER

In post-conviction relief (PCR) cases, the appointment of counsel is appropriate only when a hearing must be held. Rule 71.1, SCRCP ("If, after the State has filed its return, the application presents questions of law or fact which will require a hearing, the court shall promptly appoint counsel to assist the applicant if he is indigent."); Richardson v. State, 377 S.C. 103, 659 S.E.2d 493 (2008). I find that in many cases counsel are being appointed when the above standard has not been satisfied.

Further, in a significant number of these cases, the application is ultimately denied as being successive or as being barred by the statute of limitations. The appointment of counsel in such cases places an unnecessary burden on the appointed counsel, and violates the mandate of Rule 608(g), SCACR, that appointments should be minimized. To help address this problem, I find it appropriate to direct the following:

Consistent with Rule 71.1, SCRCP, counsel will not be appointed until the Post-Conviction Relief Section of the Attorney General's Office files its return to the application. In its return, the Attorney General's Office shall clearly state in the caption heading whether it requests that counsel be appointed for the applicant.

If the Attorney General requests the appointment of counsel, counsel shall be appointed for the applicant unless a circuit court judge determines that it is inappropriate to do so. The authority to make the appointments in these cases may be delegated to the Clerk of Court or some other official.

If the Attorney General opposes the appointment of counsel for an indigent applicant, counsel will only be appointed as follows:

(1)If the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations,[1] counsel will not be appointed except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit. In these cases, the Chief Judge will insure that counsel is only appointed for an indigent applicant when the facts raise a material issue regarding the applicability of the rule forbidding successive applications or the statute of limitations.Cf. Gary v. State, 347 S.C. 627, 557 S.E.2d 662 (2001) (statute of limitations).

(2)In all other cases in which the State opposes the appointment of counsel, counsel will only be appointed upon written order of a circuit court judge under the standard contained in Rule 71.1, SCRCP.

IT IS SO ORDERED.

s/Jean H. Toal
JEAN H. TOAL
CHIEF JUSTICE

Columbia, South Carolina
October 6, 2008

[1] S.C. Code Ann. § 17-27-45 (2003).

Exhibit - Z (1)

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

December 6, 2021

Mr. Alonzo C. Jeter, III #282902
Manning Correctional Inst.
502 Beckman Drive
Columbia, SC 29203

Dear Mr. Jeter:

This will acknowledge receipt of your letter of December 2, 2021. You should contact the clerk of court in the county in which the post-conviction application is filed concerning any scheduling of the application.

Very truly yours,

Patricia Howard

CLERK

Exhibit-Z(2)

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
W-2/48B
502 Beckman Drive
Columbia, SC 29203

December 2, 2021

The Honorable Donald Beatty, Chief Justice
South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Scheduling of PCR Matters

Dear Justice Beatty,

I write seeking to know who schedules the matters in PCR Actions, such as the PCR docket, motions, etc, in the Court of common pleas.

Please do not construe this inquiry as solicitation for legal advice, but rather I am inquiring as to the ministerial duties in this regard as there exists no rules of court nor statute which informs of this, therefore I must look to this Court for clarification.

Thank you for your attention in this matter. Please do return to me a stamped copy of this correspondance along with your reply.

Sincerely,

Alonzo C Jeter, III

RECEIVED
DEC . 6 2021
S.C. SUPREME COURT

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 29, 2021

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:10
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, SC 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:
ATTENTION - Please find two (2) letters of correspondence intended to obtain your reply, dated December 20, 2021 and December 21, 2021.

Please also find enclosed Motion For Appointment of Counsel, Motion For Investigative Expert, Counsel, Expenses, and Ex parte Hearing and Discovery, Motion For Leave and Assistance In Initiating Disposition, Interrogatories, & Subpoena Production of Documents (Discovery), Applicant's Exhibits AA, BB, CC, DD, EE, FF, GG, & HH, Certificate of Authenticity, Applicant's Notice and Motion For Discovery, and Correspondence Request to Jeanette W. McBride - Clerk, Richland County Court for issuance of subpoena.

Please find an additional copy of all stated documents along with a self addressed stamped envelope. Please return to me file-stamped copies of all stated documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alenzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:
BRANDY W. MCBEE

I, Alenzo C. Jeter, III, hereby certify that I have served the Motion For Appointment of Counsel, Motion for Investigative Expert, Counsel, Expenses, and Ex parte Hearing and Discovery, Motion For Leave And Assistance In Initiating Disposition, Interregatories, & Subpoena Production of Documents (Discovery), Applicants' Exhibits AA, BB, CC, DD, EE, FF, GG, & HH, Certificate of Authenticity, Correspondence/Request to Brandy W. McBee, dated December 20, 2021, Correspondence/Request to Brandy W. McBee, dated December 21, 2021, Correspondence/Request to Jeanette W. McBride, dated December 28, 2021; On Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personnel on this 30 day of December, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Atty, SC Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, SC 29342.

S/

Alenzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

MOTION FOR APPOINTMENT OF COUNSEL
(S.C. Code Ann. §17-27-150)

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:11
BRANDY W. ABBEY

The Applicant, Alonzo C. Jeter, III, hereby respectfully motions this Court that it would appoint counsel who would serve by assisting Applicant with the following:

1) Properly initiating and requesting subpoenas for deposition (oral)
2) Properly initiating and requesting subpoenas for deposition and production of documents (oral)
3). Properly initiating and requesting subpoena duces tecum
4). Properly initiating and requesting interrogatories
5) Properly initiating and requesting to take deposition on oral examination
6) Proper and sufficient discovery means SC Code Ann. §17-27-60

Applicant has attempted to do the sufficient research which would inform him of the manner of seeking discovery for the record in this case/action; however, Applicant is unable to comprehend the rules and requirements for performing and carrying out such discovery requests.

Applicant has made prior requests and motion to this Court that respectfully sought that this Court would appoint counsel. Applicant remains at a great disadvantage as he attempts to provide explanation, reasoning, exhibits, and other necessary facts and proof which would

Show and demonstrate to this Court why the procedural questions should be resolved in favor of Applicant and that the genuine issues of material fact which exist regarding the procedural questions and merits requires relief in favor of the Applicant.

See also Rule 17, SCRCP; Rule 17(d)(2), SCRCP; Rule 17(d)(4), SCRCP. Ex parte Foster, 350 SC 238, 565 SE2d 290 (2002) (The rationale for appointing a guardian ad litem (GAL) for a prisoner is not mental deficiency, but the physical restraint of imprisonment.)

See also Rule 71.1(d), SCRCP; SC Code Ann. §17-27-130; Gary v State, 347 SC 627, 557 SE2d 662 (2001); Case v State, 277 SC 474, 289 SE2d 413 (1982).

WHEREFORE, Applicant pray this Court appoint counsel in this case so as to assist Applicant in discovery matters and in presentment of this case in its entirety. The record clearly shows genuine issues of material fact and also a need for counsel's assistance due to the novelty, complexity and procedural irregularities of this case.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 20th day of December, 2021.

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
[redacted]
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-1110457

MOTION FOR INVESTIGATIVE EXPERT, COUNSEL, EXPENSES, and Ex Parte Hearing and Discovery (SC Code Ann. §17-3-50(B); 17-27-60; 17-27-150(A))

Applicant, Alonzo C. Jeter, III, hereby respectfully motions this Court that it would provide expenses for obtaining the services of investigator and counsel whom would assist in gathering information and production of documents, oral depositions, and Subpoena in this case (See SC Code Ann. §17-3-50(B), 17-27-60), to include interrogatories.

Further, Applicant seeks that this Court would provide counsel and also an ex parte hearing whereby Applicant would be able to provide this Court the good cause as required by §SC code Ann. §17-27-150. Applicant is an indigent prisoner.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 20th day of December, 2021.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:11
BRANDY W. MOBLEY

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
[redacted]
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11 0457

MOTION FOR INVESTIGATIVE EXPERT, COUNSEL, EXPENSES, and Ex Parte Hearing and Discovery (SC Code Ann. §17-3-50(B); 17-27-60; 17-27-150(A)

Applicant, Alonzo C Jeter, III, hereby respectfully motions this Court that it would provide expenses for obtaining the services of investigator and counsel whom would assist in gathering information and production of documents, oral depositions, and Subpoena in this case (See SC Code Ann. §17-3-50(B), 17-27-60), to include interrogatories.

Further, Applicant seeks that this Court would provide counsel and also an ex parte hearing whereby Applicant would be able to provide this Court the good cause as required by §SC code Ann. §17-27-150. Applicant is an indigent prisoner.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / prose
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 20th day of December, 2021.

RECEIVED
DEC 30 2021
MCI MAIL ROOM

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF Common PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR LEAVE AND ASSISTANCE IN INITIATING DISPOSITION, INTERROGATORIES, & SUBPOENA PRODUCTION OF DOCUMENTS (DISCOVERY)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 JUN 13 AM 9:11
BRENDA W. MOBLEY

The Applicant, Alonzo C. Jeter, respectfully motions this Court for leave, time, and assistance which would provide Applicant equitable opportunity to request and aquire discovery for the record and proof in this case.

Applicant has been diligent in his attempts to aquire and present discovery in this case as exhibits. However, notwithstanding Applicant's diligence he has been unsuccessful in obtaining the desired discovery (oral dispositions, interrogatories, and subpoena production of documents) from the South Carolina Department of Corrections.

Applicant has experienced a number of extraordinary barriers such as shut-downs due to COVID19, lockdowns due to the same, extreme lengthy inaccess to the prison's law library, and lack of comprehension of how to initiate and complete such requests for discovery. Applicant is forced to proceed in this PCR action pro se and this has been also extremely difficult as this case is indeed complex and does have a lengthy procedural history due to oversightings and misscomprehensions

of the Courts.

Further, Applicant request that this Court would provide a hearing regarding this motion should the Court need further clarification regarding Applicants requests.

Applicant would ask for this Courts patience and understanding in this regard, provide assistance whether by GAL or Appointment of Counsel whom would be knowledgable and whom would initiate, request, and obtain this discovery on Applicants behalf.

This request does not, and is not intended to void Applicants constant request for appointment of counsel in this case globally.

Respectfully submitted,

Alonzo C. Jeter, III.
APPLICANT / Pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 28 day of December, 2021.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 20, 2021

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:10
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, SC 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

I have written letters of correspondence to you dated August 27, 2021, July 7, 2021, and October 1, 2021; wherein I have sought to be provided understanding with regard to the ministerial duties of this Court, your office and the Common Pleas Judge in PCR matters.

I have asked, inter alia, what court rule or statutory authority does your office or this Court base its decisions upon in passing on any of its ministerial duties to the Office of the Attorney General. Also, if the motions that I have filed in this PCR action have been placed on the Court's motion calendar, who who would the motion on the motions calendar, and have I been ~~be~~ scheduled for motions hearings.

Please do be so kind to respond to these letters of correspondence and do allow your correspondence to contain the letterhead of this Court along with signature from your office.

Lastly, please find enclosed an additional copy of this letter along with a self-addressed stamped envelope.

Please return to me a file-stamped copy of this letter along with your responses.

Thank you for your attention in this matter.

Sincerely,

Alonzo C. Jeter, III

CC: South Carolina Court Administration
South Carolina Supreme Court

357

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

December 21, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:11
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v. State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Please provide me the necessary documents/forms for making a request for oral disposition, interrogatories, and Subpoena Production of Documents.

It is my understanding that as a prose litigant, your office will issue these requests for discovery on my behalf at my request. I do wish that you issue such request for discovery from the South Carolina Department of Corrections on my behalf.

Please find an additional copy of this correspondence, along with a self-addressed stamped envelope. Please return to me a file-stamped copy of this correspondence.

Thank you for your assistance in this matter.

Sincerely,
Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 28, 2021

The Honorable Jeanette W. McBride
Clerk, Richland County Court
Post Office Box 2766
Columbia, SC 29202-2766

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:11
BRANDY W. MCBEE

RE: Issuance of Subpoena

Dear Honorable Clerk:

I write seeking that you will please issue a subpoena for production of documents.

It is my intent that I would serve a subpoena for the production of documents on Bryan Stirling, Director, South Carolina Department of Corrections. This production of documents would be relative to an action which is currently pending (civil action 2019-CP-11-0457, Alonzo C. Jeter, III, v State) in the Cherokee County Court of Common Pleas.

Please find, enclosed, an additional copy of this request along with a self-addressed stamped envelope. Please return to be a date-stamped copy of this request along with your response.

Thank you for your assistance in these regards.

Sincerely,

Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 28, 2021

The Honorable Jeanette W. McBride
Clerk, Richland County Court
Post Office Box 2766
Columbia, SC 29202-2766

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:09
BRANDY W. MCBEE

Please send a request to Brandy McBee, COC in regards to subpoena request. You will need to state who you're requesting and address. Also what you want them to send you.

RE: Issuance of Subpoena

Dear Honorable Clerk:

I write seeking that you will please issue a subpoena for production of documents.

It is my intent that I would serve a subpoena for the production of documents on Bryan Stirling, Director, South Carolina Department of Corrections. This production of documents would be relative to an action which is currently pending (Civil action 2019-CP-11-0457, Alonzo C. Jeter, III, v State) in the Cherokee County Court of Common Pleas.

Please find, enclosed, an additional copy of this request along with a self-addressed stamped envelope. Please return to be a date-stamped copy of this request along with your response.

Thank you for your assistance in these regards.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
	Case No. 2019-CP-11-0457
Alonzo C. Jeter, III, #282902, APPLICANT,	APPLICANT'S EXHIBITS AA, BB, CC, DD, EE, FF, GG, & HH and
V	CERTIFICATE OF AUTHENTICITY (Pursuant to SC Code Ann. § 17-27-40)
State of South Carolina, RESPONDENT.	

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 11:18
BRANDY W. MCBEE

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits in this case. See State v Carleson, 363 SC 586, 611 SE2d 283 (2005) ("The burden is on the [Applicant] to provide a sufficient record for review.")

Exhibit AA - Correspondence dated August 4, 2021, from Applicant to Beufort County Clerk of Court.

Exhibit BB - Correspondence dated _ from Beufort County Clerk of Court to Applicant.

Exhibit CC - Correspondence dated August 4, 2021, from Applicant to Union County Clerk of Court

Exhibit DD - Correspondence dated August 9, 2021, from Union County Clerk of Court

Exhibit EE - Correspondence dated December 10, 2020, from Chelsey F. Marsto to Brandy W. McBee providing original signed Conditional Order of Dismissal, for filing. (Filed 12/14/2020).

Exhibit FF - Page 1 of Conditional Order of Dismissal bearing Judge's initial and Courts file-stamp December 14, 2020; Page 10 of Conditional Order of Dismissal bearing Judge's signature and dated December 7, 2020.

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

APPLICANT'S EXHIBITS AA, BB, CC, DD, EE, FF, GG, & HH and CERTIFICATE OF AUTHENTICITY (pursuant to SC Code Ann § 17-27-40)

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits in this case. See State v Carleson, 363 SC 586, 611 SE2d 283 (2005) ("The burden is on the [Applicant] to provide a sufficient record for review.")

Exhibit AA - Correspondence dated August 4, 2021, from Applicant to Beufort County Clerk of Court.

Exhibit BB - Correspondence dated _ from Beufort County Clerk of Court to Applicant.

Exhibit CC - Correspondence dated August 4, 2021, from Applicant to Union County Clerk of Court

Exhibit DD - Correspondence dated August 9, 2021, from Union County Clerk of Court

Exhibit EE - Correspondence dated December 10, 2020, from Chelsey F. Marto to Brandy W. McBee providing original signed Conditional Order of Dismissal, for filing - (Filed 12/14/2020).

Exhibit FF - Page 1 of Conditional Order of Dismissal bearing Judge's initial and Courts file-stamp December 14, 2020; Page 10 of Conditional Order of Dismissal bearing Judge's signature and dated December 7, 2020.

RECEIVED
DEC 30 2021
MCI MAIL ROOM

Exhibit GG- FORM 4 relative to Signed Conditional Order of Dismissal, providing Judgment entered on December 14, 2020.

Exhibit HH- Page 6 of certified, uncertered Final Order of Dismissal, bearing Judges signature, initial, and dated August 30, 2021.

CERTIFICATE OF AUTHENTICITY; SC Code Ann§17-27-40

The Applicant, Alonzo C. Jeter, III, hereby certifies that any and all documents/exhibits which has been submitted by the Applicant in this case are authentic, true, and correct. RULE 901, SCRE.

S/
Alonzo C. Jeter

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 28 day of December, 2021.

Exhibit-AA

August 4, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 293

JERRI ANN ROBINEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT
2021 AUG -9 A 11:59
DATE & TIME CANCELLED

Beufort County Courthouse
Office of the Clerk
Post Office Box 1128
Beufort, South Carolina 29901-1128

Re: Appointment of Counsel for Indigent Post-Conviction Relief Applicants

Dear Sir or Madam:

I write seeking to know who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions.

It is my understanding that the Office of Attorney General is actually who makes the determination of whether or not counsel is to be appointed.

It is also my understanding that this information is forwarded to the the office of the clerk of court and the clerk of court signs the order of appointment of counsel to the indigent pcr applicant.

Please do not construe this inquiry as a solicitation for legal advice. This inquiry is simply an attempt at gaining the understanding of the ministerial duties of the court in regard of appointment of counsel to indigent pcr applicants.

Thank you for your understanding and assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

Exhibit - BB

Office of the Clerk of Court

Beaufort County

Post Office Drawer 1128

Beaufort, South Carolina 29901-1128

Jerri Ann Roseneau

Clerk of Court

M. K.

Senior Judicial Administrator

Mr. Alonzo C. Jeter, III, #282902

Tyger River Correctional Institution

200 Prison Road

Enoree, SC 29335

Regarding: Letter dated August 4, 2021

Your understanding is correct. The South Carolina Attorney General's Office determines which applicant will need appointment of counsel, and then sends a letter for appointment of counsel to the appropriate Clerk of Court Office. The appropriate Clerk of Court Office will then prepare an Order for Appointment of Counsel, have it signed, filed, and then mail a copy to involved parties. The contact information for the South Carolina Attorney General's Office is below.

South Carolina Attorney General's Office

The Honorable Alan Wilson

P. O. Box 11549

Columbia, SC 29211

Info from SC Attorney General website

"If the allegations listed in the application require an evidentiary hearing, an attorney will be appointed to represent the applicant. If an attorney has been appointed, any questions about the process from the applicant or anyone on his behalf must be directed to that attorney."

Respectfully,

MK

Exhibit-CC

August 4, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

Union County Courthouse
Office of the Clerk
Post Office Box 703
Union, South Carolina 29379-0703

Re: Appointment of Counsel for Indigent Post-Conviction Relief Applicants

Dear Sir or Madam:

I write seeking to know who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions.

It is my understanding that the Office of Attorney General is actually who makes the determination of whether or not counsel is to be appointed.

It is also my understanding that this information is forwarded to the the office of the clerk of court and the clerk of court signs the order of appointment of counsel to the indigent pcr applicant.

Please do not construe this inquiry as a solicitation for legal advice. This inquiry is simply an attempt at gaining the understanding of the ministerial duties of the court in regard of appointment of counsel to indigent pcr applicants.

Thank you for your understanding and assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED
2021 AUG -9 A 9:02
CLERK OF COURT
UNION, SC

Exhibit-DD

August 9th, 2021

Mr. Alonzo C. jeter,

You are correct. The Office of Attorney General does make the determination if you can be appointed counsel. When a PCR is filed with us, in the Clerk's Office, we send them copies of everything. The Attorney General's office makes the decision, and then sends us an order, and who to appoint if it is granted. We receive the Order, then fill out an appointment form, and then send it back to the AG's office to follow through with the rest of the preparation for the PCR hearing.

Sincerely,

Clerk of Court's office.

Common Pleas Department

Exhibit-EE

ALAN WILSON
ATTORNEY GENERAL

December 10, 2020

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Box 2289
Gaffney, South Carolina 29342

Re: Alonzo C. Jeter, #282902 v. State of South Carolina
2019-CP-11-0457

Dear Ms. McBee:

Enclosed please find the original **Conditional Order of Dismissal** signed by the Honorable J. Mark Hayes, II, in the above-captioned case, for filing in your office.

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/ec

Enclosure

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 8:56
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Exhibit - FF (1)

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, Applicant,	Case No.: 2019-CP-11-0457
v.	**CONDITIONAL ORDER OF DISMISSAL**
State of South Carolina, Respondent.	

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 8:56
BRANDY W. MCBEE
CHEROKEE COUNTY SC

This matter comes before the Court by way of a post-conviction relief application filed by Applicant Alonzo C. Jeter, III on June 19, 2019. Respondent made its Return, requesting the application be summarily dismissed.

I. Procedural History[1]

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. In September 2004, the Cherokee County Grand Jury indicted Applicant for two counts of possession of crack cocaine (2004-GS-11-925 and -926). Don Thompson, Esquire represented Applicant. On October 12, 2004, Applicant pleaded guilty as charged before the Honorable Roger L. Couch. Judge Couch sentenced Applicant to three years' imprisonment for each charge, sentences running concurrently, suspended upon the service of time served and three years' probation. Applicant did not appeal his conviction or sentence.

[1] Applicant pursued several other actions pursuant to unrelated underlying convictions. Applicant pursued a PCR action out of Spartanburg County (2012-CP-42-0516) which was dismissed by written order clocked April 29, 2013. Thereafter, Applicant pursued another PCR action out of Cherokee County (2016-CP-11-293), which was dismissed by written order on July 27, 2017 and the motion for reconsideration denied on August 16, 2017. The 2016 PCR action was appealed on August 28, 2017, and remains pending.

Exhibit - FF(2)

Applicant is cautioned that his response to this order must be actually received by the Cherokee County Clerk of Court and opposing counsel within twenty days, and that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 7th **day of** December, **2020.**

J. MARK HAYES, II
Chief Administrative Judge
Seventh Judicial Circuit

Cherokee, South Carolina

FORM 4 Exhibit-GG(1) 370

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP1100457

Alonzo C. Jeter III		State Of South Carolina	
PLAINTIFF(S)		DEFENDANT(S)	
Submitted by:		Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant	

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

FILED IN THE OFFICE OF THE CLERK OF COURT
2020 DEC 14 A 9:21
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		

If applicable, describe the property, including tax map information and address, referenced in the order:

he judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this orm may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or dditional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
ote: Title abstractors and researchers should refer to the official court order for judgment details.
-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/J. Mark Hayes	2132	12/14/2020
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on 12/14/2020 , and a copy mailed first class or placed in the appropriate attorney's box on 12/14/2020 , to attorneys of record or to parties (when appearing pro se) as follows:

Exhibit - GG(2) 371

Alonzo C. Jeter III
200 Prison Road
Tyger River CI U9-0202-B
Enoree, SC 29335

Alan McCrory Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Brandy W. McBee

Court Reporter

Brandy W. McBee - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 9:21
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Exhibit - HH

the conditional order of dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons in this Court's conditional order of dismissal, the PCR application is hereby denied and dismissed with prejudice. This court hereby advises Applicant that he must file and serve a notice of appeal within thirty days of the service of this order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 30 **day of** August **, 2021.**

J. [illegible] COLE
Chief ~~Administrative~~ Judge
Seventh Judicial Circuit

_____, South Carolina

Exhibit GG- FORM 4 relative to Signed Conditional Order of Dismissal, providing Judgment entered on December 14, 2020.

Exhibit HH- Page 6 of unfiled, unentered Final Order of Dismissal, bearing Judges signature, initial, and dated August 30, 2021.

CERTIFICATE OF AUTHENTICITY; SC Code Ann §17-27-40

The Applicant, Alonzo C. Jeter, III, hereby certifies that any and all documents/exhibits which has been submitted by the Applicant in this case are authentic, true, and correct. RULE 901, SCRE.

S/
Alonzo C. Jeter

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 28 day of December, 2021.

Exhibit-AA

August 4, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

JERRI ANN ROBINEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT
2021 AUG -9 A 11:59
DATE & TIME CANCELLED

Beufort County Courthouse
Office of the Clerk
Post Office Box 1128
Beufort, South Carolina 29901-1128

Re: Appointment of Counsel for Indigent Post-Conviction Relief Applicants

Dear Sir or Madam:

I write seeking to know who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions.

It is my understanding that the Office of Attorney General is actually who makes the determination of whether or not counsel is to be appointed.

It is also my understanding that this information is forwarded to the the office of the clerk of court and the clerk of court signs the order of appointment of counsel to the indigent pcr applicant.

Please do not construe this inquiry as a solicitation for legal advice. This inquiry is simply an attempt at gaining the understanding of the ministerial duties of the court in regard of appointment of counsel to indigent pcr applicants.

Thank you for your understanding and assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

Exhibit -BB

Office of the Clerk of Court

Beaufort County

Post Office Drawer 1128

Beaufort, South Carolina 29901-1128

Jerri Ann Roseneau
Clerk of Court

M. K.
Senior Judicial Administrator

Mr. Alonzo C. Jeter, III, #282902

Tyger River Correctional Institution

200 Prison Road

Enoree, SC 29335

Regarding: Letter dated August 4, 2021

Your understanding is correct. The South Carolina Attorney General's Office determines which applicant will need appointment of counsel, and then sends a letter for appointment of counsel to the appropriate Clerk of Court Office. The appropriate Clerk of Court Office will then prepare an Order for Appointment of Counsel, have it signed, filed, and then mail a copy to involved parties. The contact information for the South Carolina Attorney General's Office is below.

South Carolina Attorney General's Office

The Honorable Alan Wilson

P. O. Box 11549

Columbia, SC 29211

Info from SC Attorney General website

"If the allegations listed in the application require an evidentiary hearing, an attorney will be appointed to represent the applicant. If an attorney has been appointed, any questions about the process from the applicant or anyone on his behalf must be directed to that attorney."

Respectfully,

MK

Exhibit-CC

August 4, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

Union County Courthouse
Office of the Clerk
Post Office Box 703
Union, South Carolina 29379-0703

Re: Appointment of Counsel for Indigent Post-Conviction Relief Applicants

Dear Sir or Madam:

I write seeking to know who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions.

It is my understanding that the Office of Attorney General is actually who makes the determination of whether or not counsel is to be appointed.

It is also my understanding that this information is forwarded to the the office of the clerk of court and the clerk of court signs the order of appointment of counsel to the indigent pcr applicant.

Please do not construe this inquiry as a solicitation for legal advice. This inquiry is simply an attempt at gaining the understanding of the ministerial duties of the court in regard of appointment of counsel to indigent pcr applicants.

Thank you for your understanding and assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED
2021 AUG -9 A 9:02
CLERK OF COURT
UNION, SC

Exhibit-DD

August 9th, 2021

Mr. Alonzo C. jeter,

You are correct. The Office of Attorney General does make the determination if you can be appointed counsel. When a PCR is filed with us, in the Clerk's Office, we send them copies of everything. The Attorney General's office makes the decision, and then sends us an order, and who to appoint if it is granted. We receive the Order, then fill out an appointment form, and then send it back to the AG's office to follow through with the rest of the preparation for the PCR hearing.

Sincerely,

Clerk of Court's office.

Common Pleas Department

Exhibit-EE 378

ALAN WILSON
ATTORNEY GENERAL

December 10, 2020

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Box 2289
Gaffney, South Carolina 29342

Re: Alonzo C. Jeter, #282902 v. State of South Carolina
2019-CP-11-0457

Dear Ms. McBee:

Enclosed please find the original **Conditional Order of Dismissal** signed by the Honorable J. Mark Hayes, II, in the above-captioned case, for filing in your office.

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/ec

Enclosure

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 8:56
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Exhibit - FF (1)

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, Applicant,	Case No.: 2019-CP-11-0457
v.	**CONDITIONAL ORDER OF DISMISSAL**
State of South Carolina, Respondent.	

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 5b
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

This matter comes before the Court by way of a post-conviction relief application filed by Applicant Alonzo C. Jeter, III on June 19, 2019. Respondent made its Return, requesting the application be summarily dismissed.

I. Procedural History[1]

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. In September 2004, the Cherokee County Grand Jury indicted Applicant for two counts of possession of crack cocaine (2004-GS-11-925 and -926). Don Thompson, Esquire represented Applicant. On October 12, 2004, Applicant pleaded guilty as charged before the Honorable Roger L. Couch. Judge Couch sentenced Applicant to three years' imprisonment for each charge, sentences running concurrently, suspended upon the service of time served and three years' probation. Applicant did not appeal his conviction or sentence.

[1] Applicant pursued several other actions pursuant to unrelated underlying convictions. Applicant pursued a PCR action out of Spartanburg County (2012-CP-42-0516) which was dismissed by written order clocked April 29, 2013. Thereafter, Applicant pursued another PCR action out of Cherokee County (2016-CP-11-293), which was dismissed by written order on July 27, 2017 and the motion for reconsideration denied on August 16, 2017. The 2016 PCR action was appealed on August 28, 2017, and remains pending.

Exhibit-FF(2)

Applicant is cautioned that his response to this order must be actually received by the Cherokee County Clerk of Court and opposing counsel within twenty days, and that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 7th **day of** December, **2020.**

J. MARK HAYES, II
Chief Administrative Judge
Seventh Judicial Circuit

Cherokee, South Carolina

FORM 4 Exhibit-GG(2)

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP1100457

Alonzo C. Jeter III		State Of South Carolina	
PLAINTIFF(S)		DEFENDANT(S)	
Submitted by:		Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant	

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 9:21
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☒ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/J. Mark Hayes	2132	12/14/2020
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on 12/14/2020, and a copy mailed first class or placed in the appropriate attorney's box on 12/14/2020, to attorneys of record or to parties (when appearing pro se) as follows:

Exhibit-GG(2) 382

Alonzo C. Jeter III
200 Prison Road
Tyger River CI U9-0202-B
Enoree, SC 29335

Alan McCrory Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Brandy W. McBee

Court Reporter

Brandy W. McBee - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 14 A 9:21
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

Exhibit – HH

the conditional order of dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons in this Court's conditional order of dismissal, the PCR application is hereby denied and dismissed with prejudice. This court hereby advises Applicant that he must file and serve a notice of appeal within thirty days of the service of this order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 30 **day of** August **, 2021.**

J. Derham Cole
Chief ~~Administrative~~ Judge
Seventh Judicial Circuit

_____, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v.

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

APPLICANT'S NOTICE AND MOTION FOR DISCOVERY

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 JAN -3 AM
BRANDY W. [illegible]

To: The Honorable Alan Wilson, Attorney General for the State of South Carolina and Chelsey F. Marto, Assistant Attorne General, Esquires.

Please take note that the Applicant, Alonzo C. Jeter, III, will move before the Court seeking discovery in this matter pursuant to S.C. Code Ann. §17-27-150(A); Rule 45, SCRCP; Rule 31, SCRCP; Rule 33, SCRCP; Rule 26, SCRCP; et seq. for the purposes of providing the Court with sufficient records, proof, and testimony wherewith equitable adjudication can be made in this case and a complete record would exist for review if necessary.

Specifically, Applicant would like to pursue discovery in the following areas for the following reasons:

1. Recording(s) audio of Applicant's proceeding before the South Carolina Department of Corrections' Classifications Board, etc wherein with Applicant received Job assignment and yearly classification. To corroborate Applicants' records with the SCDC, commitments, and understood plea agreement between all parties.
2. Inmate Kiosk Requests (RTSM), to corroborate Applicants' records with the SCDC, commitments, and understood plea agreement between all parties.

3. Oral Deposition, Interrogatories, etc from the South Carolina Department of Corrections to corroberate Applicant's records with the SCDC, commitments, and understood plea agreement between all parties.

Please also take notice that Applicant will also seek a discovery conference pursuant to ~~SC Code Ann.~~ Rule 26(f) should the Court need further clarification and good cause.

WHEREFORE and hereby Applicant requests an Order granting discovery on the above items and an Order directing for payment of any fees or costs relative to the securing of this discovery.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 28 day of December, 2021.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v. State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking that your office will please provide me a copy of the Form 4 Order which should accompany the Final Order of Dismissal which was filed in this case.

I was not provided a copy of the Form 4.

Thank you for your attention in this matter.

Sincerely,

Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RECEIVED
JAN 26 2022
MCI MAIL ROOM

RE: Alonzo C Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

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Thank you for your attention in this matter.

Sincerely,

Alonzo C. Jeter, III

388

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking that your office will please provide me a copy of the Form 4 Order which should accompany the Final Order of Dismissal which was filed in this case.

I was not provided a copy of the Form 4. Yes You Were! See Proof Attached.

Thank you for your attention in this matter.

Sincerely,
Alonzo C. Jeter, III

FYI - In the future, anything I have proof of mailing you will pay for copies.

BMT 2/4/22

389

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP1100457

Alonzo C. Jeter III		**State Of South Carolina**	

PLAINTIFF(S) **DEFENDANT(S)**

Submitted by: **Attorney for:** ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, SC
2021 SEP 10 PM 3:5[illegible]
BRANDY W. MCBE[illegible]

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/J. Derham Cole	2053	9/9/2021
Circuit Court Judge	**Judge Code**	**Date**

For Clerk of Court Office Use Only

This judgment was entered on 9/9/21 and a copy mailed first class or placed in the appropriate attorney's box on 9/9/21to attorneys of record or to parties (when appearing pro se) as follows:

Alonzo C. Jeter III 200 Prison Road Tyger River CI U9-0202-B Enoree, SC 29335

Alan McCrory Wilson S.C. Attorney General's Office PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Brandy W. McBee

Court Reporter

Brandy W. McBee - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 SEP 10 PM 3:50
BRANDY W. MCBEE

391

Mrs. Brandy W. McBee
Clerk Of Court, Cherokee County
Post Office Drawer 2289
Gaffney, S.C. 29342

neopost
09/09/2021
US POSTAGE

FIRST-CLASS MAIL
$00.73⁰

ZIP 29340
041L11245001

Alonzo Jeter, #282902
200 Prison Road Tyger River CI
U9-0202-B
Enoree, SC 29335

19/457

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2022

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY W. MCBEE

Robert M. Dudek, Esq.
SCCID
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

RE: Appointment of Counsel - Post-Conviction Relief Actions
Case No. 2019-CP-11-0457, PCR, Cherokee County

Dear Mr. Dudek

I write seeking that your office will please provide counsel whom would assist me in the above captioned PCR action, which is currently pending in the Cherokee County Court of Common Pleas.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2022

Robert M. Dudek, Esq.
SCCID
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

RECEIVED
JAN 26 2022
MCI MAIL ROOM

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Sincerely,

Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2022

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, Please find for filing, Applicant's Exhibits II, JJ, KK, LL, MM, and Certificate of Authenticity, along with a Certificate of Service for the same.

Please find also, an additional copy of these documents along with a self-addressed stamped envelope.

Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

APPLICANT'S EXHIBITS
II, JJ, KK, LL, MM and
CERTIFICATE OF AUTHENTICITY

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits II, JJ, KK, LL, MM; in this case.

Exhibit II - Correspondence from Melanie L. Lawson, Clerk of Court, Union County

Exhibit JJ - Applicant's correspondence to Union County Court dated December 21, 2021

Exhibit KK - Correspondence from York County Clerk of Court dated Febuary 28, 2020

Exhibit LL - Applicant's correspondence to Beufort County Court, dated December 21, 2021

Exhibit MM - Correspondence from Beufort County Clerk of Court

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY WINSBEE

CERTIFICATE OF AUTHENTICITY, S.C. Code Ann §17-27-40, 50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are Authentic, True, and Correct.
RULE 901, SCRE; RULE 5, SCRCP

s/ Alonzo C. Jeter, III
APPLICANT Pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 6th day of January, 2022

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No: 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C Jeter, III, hereby certify that I have served the Applicant's Exhibits II, JJ, KK, LL, MM, and Certificate of Authenticity; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personnel on this 26th day of January, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Maito, AAG, SC Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, SC 29342.

S/ _____
Alonzo C. Jeter, III
APPLICANT
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY W. MCBEE

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 6, 2022

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Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RECEIVED
JAN 26 2022
MCI MAIL ROOM

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Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF Common PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

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RECEIVED
JAN 26 2022
MCI MAIL ROOM

S/
Alonzo C. Jeter, III
APPLICANT

Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

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Exhibit LL - Applicant's correspondence to Beufort County Court, dated December 21, 2021

Exhibit MM - Correspondence from Beufort County Clerk of Court

RECEIVED
JAN 26 2022
MCI MAIL ROOM

CERTIFICATE OF AUTHENTICITY, S.C. Code Ann §17-27-40, 50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are Authentic, True, and Correct.
RULE 901, SCRE; RULE 5, SCRCP

s/ Alonzo C. Jeter, III
APPLICANT Pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 6th day of January, 2022

State of South Carolina

400

Exhibit - II

Melanie L. Lawson
Clerk of Court

Clerk of Court
Union, South Carolina

Mr. Jeter,

When a PCR motion is filed, it does not automatically go on a roster. The Attorney General's office sets up PCR hearings, and schedules them in York County. Everything we receive on a PCR does get sent to the Attorney General. I do not believe that the judge looks over the appointment of attorney before the hearing. The AG's office does determine that. We do not have any PCR's on file you. It does appear that you do not have any criminal cases in our county. If you are wanting to file a PCR, it would have to be filed in the county you are convicted in. Thanks.

Common Pleas Clerk.

UNION COUNTY COURTHOUSE
POST OFFICE BOX 703 • UNION, SOUTH CAROLINA 29379
(864) 429-1630 • FAX: (864) 429-1715

Exhibit-JJ

Alonzo A. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 21, 2021

Union County Courthouse
Office of the Clerk
Post Office Box 703
Union, SC 29379-0703

FILED
2021 DEC 28 A 10:09

RE: Appointment of Counsel for Indigent PCR Applicants & Scheduling and Hearing of Motions

Dear Honorable Clerk:

I write seeking to know regarding motions filed in PCR actions. When a motion is filed, does your office automatically place the motion on a motions calendar to allow it to be heard and adjudicated upon by the Common Pleas Court Judge, or is the motion rather forwarded to the Office of the Attorney General for that Office to process the motion?

Secondly, if the Office of Attorney General makes a determination that counsel should not be appointed in a PCR action, does the Common Pleas Judge take a second look at the pleadings to make an independant determination as to whether or not counsel should be appointed, or is this handled by the office of the Attorney General?

Please do not construe this inquiry as solicitation for legal advice. This inquiry is simply an attempt at gaining the understanding of the ministerial duties of the Court in regards

to PCR actions.

Please do provide your response ~~on~~ which would also contain your office's letterhead and signature from your office.

Please return to me a copy of this letter bearing indicia or stamp which would confirm that your office has received this letter.

Thank you for your understanding and attention in this matter.

Sincerely,

Alonzo C. Jeter, III

CLERK OF COURT'S OFFICE

Post Office Box 649, York, South Carolina 29745-0649

Exhibit - KK

February 28, 2020

Janell H. Gregory
Office of the Attorney General
PCR Section
P. O. Box 11549
Columbia, SC 29211-1549

RE: Post-Conviction Relief –Jaquese Jermaine Neely, #308317

Dear Ms. Gregory,

Please find enclosed a post-conviction relief application for the above named applicant. Pursuant to a memorandum issued by Chief Justice Toal dated January 12, 2004 the Clerk's office is not to appoint an attorney until directed to do so by the Office of the Attorney General.

Clerk of Court's Office
Civil Division

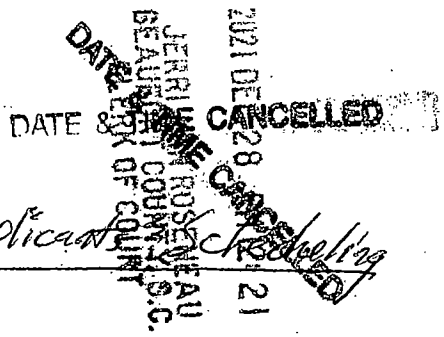
Cc: Kevin Brackett, Solicitor
Jaquese Jermaine Neely 308317, Inmate

Exhibit - L L

December 21, 2021

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Beufort County Courthouse
Office of the Clerk
Post Office Box 1128
Beufort, SC 29901-1128



RE: Appointment of Counsel for Indigent PCR Applicants / Scheduling and Hearing of Motions

Dear Honorable Clerk,

I write seeking to know regarding motions filed in PCR actions. When a motion is filed, does your office automatically place the motion on a motions calender to allow it to be heard and adjudicated upon by the Common Pleas Court Judge, or is the motion rather forwarded to the Office of the Attorney General for that Office to process the motion?

Secondly, when the Office of Attorney General makes a determination that counsel should not be appointed in a PCR action, does the Common Pleas Judge take a second look at the pleadings to make an independent determination as to whether or not counsel should be appointed, or is this handled by the Office of the Attorney General?

Please do not construe this inquiry as solicitation for legal advice.

Exhibit-MM 405

Office of the Clerk of Court

Beaufort County
Post Office Drawer 1128
Beaufort, South Carolina 29901-1128
(843)255-5050

Jerri Ann Roseneau
Clerk

From: **Clerk of Court, Beaufort County, South Carolina**

Case Number: None

The enclosed document is being returned for the following reason(s)

_____ The document is not signed / notarized.

_____ The filing fee is insufficient. The amount needed is $

_____ This document is a copy. We must have an original.

_____ **Personal checks not accepted.** Money Order/Cashier's Check are acceptable.

_____ Please remit payments to Beaufort County Clerk of Court.

_____ Your check must be signed.

✓ There is not a case listed in our system that matches this caption. & Case in Beaufort

_____ The required **new case** coversheet is not included. (SCCA/234)-(03/2016)

_____ The required **motion/order** coversheet is not included. (SCCA/233-(11/2003)

_____ The required **Form 4C** coversheet is not included. (SCRCP Form 4C)-(03/2013)

_____ E-Filing is mandatory for Beaufort County as of 12/6/2016. Please refer to www.sccourts.org for instruction on e-filing.

_____ Copy fee required ($0.50 per page). See S.C. Code Ann. §30-4-30(b). Please include a self-addressed stamped return envelope with your fee. **Amount due $**____

Other: The Attorney General's office handles the scheduling and appointment of counsel in Post Conviction Relief Cases.

Please make the necessary corrections and return this document for filing. Thank you for your assistance.

Staff initials: _____ **Date:**

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 7, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed, please find for filing, Applicant's Exhibits NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX; Certificate of Authenticity, and a Certificate of Service for the same.

Enclosed, please find an additional copy of these documents along with a self-addressed stamped envelope. Please return to me, a file-stamped copy of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Exhibits NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, and Certificate of Authenticity; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personnel on this 26th day of January, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:05
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	APPLICANT'S EXHIBITS NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, and CERTIFICATE OF AUTHENTICITY

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits

Exhibit-NN- Correspondence dated August 11, 2021, from Robert M. Dudek (S.C. Division of Appellate Defense).

Exhibit OO - Correspondence dated August 31, 2021, from South Carolina Court Administration, Deputy Director, Court Services

Exhibit PP - Correspondence from Applicant to Patricia A. Howard, Clerk, SC Supreme Court, dated September 20, 2021

Exhibit QQ - Correspondence from Patricia A. Howard to South Carolina Court Administration, dated September 30, 2021

Exhibit RR - Correspondence dated October 7, 2021, from Patricia A. Howard, Clerk, SC Supreme Court

Exhibit SS - Correspondence dated October 7, 2021, from SC Court Administration

Exhibit TT - Correspondence dated October 8, 2021, from South Carolina Court Administration

Exhibit UU - Correspondence dated October 20, 2021, from Patricia A. Howard, Clerk, Supreme Court of SC

[CONTINUED ON FOLLOWING PAGE]

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY W. MCBEE

Exhibit VV - Correspondence dated October 21, 2020, from Brandy W. McBee, Clerk, Cherokee County Court

Exhibit WW - Correspondence dated December 14, 2021, from South Carolina Court Administration

Exhibit XX - Memorandum of Chief Justice Jean Hoefer Toal, dated March 1, 2004, RE: Plea Agreements and Discovery

CERTIFICATE OF AUTHENTICITY, S.C. Code Ann. § 17-27-40, 50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are Authentic, True, and Correct. RULE 901, SCRE; RULE 5, SCRCP.

S/

Alonzo C. Jeter, III
APPLICANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 7th day of January, 2022.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 7, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

RECEIVED
JAN 26 2022
MCI MAIL ROOM

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed, please find for filing, Applicant's Exhibits NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX; Certificate of Authenticity, and a Certificate of Service for the same.

Enclosed, please find an additional copy of these documents along with a self-addressed stamped envelope. Please return to me, a file-stamped copy of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Exhibits NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, and Certificate of Authenticity; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personnel on this 26th day of January, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

RECEIVED
JAN 26 2022
MCI MAIL ROOM

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	APPLICANT'S EXHIBITS NN, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, and CERTIFICATE OF AUTHENTICITY

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits

Exhibit-NN- Correspondence dated August 11, 2021, from Robert M. Dudek (S.C. Division of Appellate Defense).

Exhibit OO - Correspondence dated August 31, 2021, from South Carolina Court Administration, Deputy Director, Court Services

Exhibit PP - Correspondence from Applicant to Patricia A. Howard, Clerk, SC Supreme Court, dated September 20, 2021

Exhibit QQ - Correspondence from Patricia A. Howard to South Carolina Court Administration, dated September 30, 2021

Exhibit RR - Correspondence dated October 7, 2021, from Patricia A. Howard, Clerk, SC Supreme Court

Exhibit SS - Correspondence dated October 7, 2021, from SC Court Administration

Exhibit TT - Correspondence dated October 8, 2021, from South Carolina Court Administration

Exhibit UU - Correspondence dated October 20, 2021, from Patricia A. Howard, Clerk, Supreme Court of SC

[CONTINUED ON FOLLOWING PAGE]

RECEIVED
JAN 26 2022
MCI MAIL ROOM

Exhibit-NN

SCCID
SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 11, 2021

Alonzo Columbus Jeter, #282902
Tyger River Correctional Institution
200 Prison Road, Upper Yard
Enoree, SC 29335

Re: Appellate Case No. 2017-001777

Dear Mr. Jeter:

Thank you for your letter dated August 4, 2021, which I received August 9, 2021. To answer your question, counsel is appointed in all indigent post-conviction relief (PCR) cases unless the PCR application is dismissed without a hearing.

As to your question regarding how a specific attorney is appointed, my understanding is that process can differ depending upon which judicial circuit the PCR application is filed in by the applicant. I hope this answers your questions.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/hek

Enclosure

Exhibit-00

414

South Carolina Court Administration

South Carolina Supreme Court

Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

August 31, 2021

Alonzo C. Jeter, #282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

Dear Mr. Jeter:

I am writing in response to your letter received by this office on August 05, 2021. In your letter, you had questions about a Supreme Court order and some PCR questions regarding counsel for indigent applicants and appointing counsel. Please be advised, you will need to contact the Supreme Court for information regarding orders, there is also a fee that is required for all of the documents you are requesting.

In regards to the PCR, actions that you had questions about you may contact Bob McCurdy. You may also want to contact Indigent defense on their process for appointing counsel.

Supreme Court
PO Box 11330
Columbia, SC 29211

Bob McCurdy
1220 Senate St.
Columbia, SC 29201

Indigent Defense
1330 Lady St.
Columbia, SC 29201

Respectfully,

Deputy Director, Court Services

Exhibit-PP

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

September 20, 2021

The Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Common Pleas Docket Management & PCR Management

Dear Honorable Clerk,

I write seeking to be informed as to the managment of motions (pre-trial motions) filed in PCR cases.

1. When a PCR applicant files a motion, is the motion placed on a motions calendar?
2. Does the Common Pleas Docket Managemet Task Force still exist?
3. Please provide me the name and contact information for the Chairman of the Common Pleas Task Force.
4. Has the Post-Conviction Relief Docket Management ~~Court~~ 413 SC 470, 776 SE2d 373 (2015) been expanded to the 7th Judicial Circuit?

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

4/16

Exhibit-QQ

The Supreme Court of South Carolina

Patricia A. Howard
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

September 30, 2021

Court Administration
1220 Senate Street, Suite 200
Columbia, South Carolina 29201-3739

Dear Court Administration,

Enclosed is correspondence from Alonzo Jeter, an inmate in the South Carolina Department of Corrections. I am forwarding this correspondence to you for a response as his request relates to trial court issues.

Sincerely,

Patricia Howard

Patricia A. Howard
Clerk of Court

Enclosure

cc: Mr. Alonzo C. Jeter, #282902

417

Exhibit-RR

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: Mr. Alonzo C. Jeter, III

FROM: Patricia A. Howard, Clerk of Court PAH

DATE: October 7, 2021

This Court has received your recent correspondence:

☒ This Court cannot provide legal advice or assistance. Therefore, this office will be unable to respond to your legal questions (s). If you need legal advice or assistance, you should consult with an attorney.

☐ Since you are represented by counsel in this matter(s), no action will be taken on your *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

☐ If you believe you have good cause to seek to have your current counsel relieved, then you should file a motion in the lower court in which this matter is pending seeking that relief.

☐ Since you are represented by counsel in this matter(s), we are forwarding a copy of your letter to counsel.

☐ Your remedy is in the lower court where this matter is pending.

418

Exhibit-55

South Carolina Court Administration

South Carolina Supreme Court

Columbia, South Carolina

October 7, 2021

Alonzo C. Jeter, III #282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

Re: Your correspondence received September 27, 2021

Dear Mr. Jeter:

This office received your recent requests for information regarding Chief Justice memorandums. Unfortunately, I am unable to provide this information to you. This office does not give legal advice.

Please contact the office of the clerk of court or the Solicitor's Office in the county where your case in located, as they may be able to assist you further. Additionally, you may wish to contact the South Carolina Commission on Indigent Defense (P.O. Box 11433, Columbia, S.C. 29211) about having a lawyer appointed to assist you.

Sincerely,

Circuit Court Law Clerk/mw
SC Court Administration

Exhibit - TT

419

South Carolina Court Administration

South Carolina Supreme Court

Columbia, South Carolina

October 8, 2021

Alonzo C. Jeter, III #282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

Re: Your correspondences received Aug. 20, Sept. 13, Sept. 20, 2021

Dear Mr. Jeter:

This office received your recent requests for information regarding PCR actions. This office does not give legal advice.

Please contact the office of the clerk of court or the Solicitor's Office in the county where your case in located, as they may be able to assist you further. Additionally, you may wish to contact the South Carolina Commission on Indigent Defense (P.O. Box 11433, Columbia, S.C. 29211) about having a lawyer appointed to assist you.

Sincerely,

Circuit Court Law Clerk/mw
SC Court Administration

420

Exhibit-UU

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: Mr. Alonzo C. Jeter, III

FROM: Patricia A. Howard, Clerk of Court PAH

DATE: October 20, 2021

This Court has received your recent correspondence:

☒ This Court cannot provide legal advice or assistance. Therefore, this office will be unable to respond to your legal questions (s). If you need legal advice or assistance, you should consult with an attorney.

☐ Since you are represented by counsel in this matter(s), no action will be taken on your *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

☐ If you believe you have good cause to seek to have your current counsel relieved, then you should file a motion in the lower court in which this matter is pending seeking that relief.

☐ Since you are represented by counsel in this matter(s), we are forwarding a copy of your letter to counsel.

☐ Your remedy is in the lower court where this matter is pending.

421

Exhibit - V V

Cherokee County Clerk of Court Office

BRANDY W. MCBEE
CLERK OF COURT

POST OFFICE DRAWER 2289
125 E. FLOYD BAKER BLVD
GAFFNEY, SC 29342
PHONE: (864) 487-2571
FAX: (864) 487-2754

October 21, 2020

Alonzo C. Jeter, III, #282902
Tyger River CI, U9-0202-B
200 Prison Rd.
Enoree, SC 29335

In reference to your letter/request, 2019CP1100457:

Mr. Jeter,

The Clerk of Court Office received your letter on October 16, 2020. Your case is still pending and is being handled by the SC Attorney General's Office. Your submitted filings have been forward to said office, so they're in receipt of your letters, requests, motions, etc. We are just a filing office, so the status truly remains with them.

The Chief Administrative Judge for Common Pleas in the Honorable J. Mark Hayes, II. His mailing address is: 180 Magnolia St., Spartanburg, SC 29306.

Best Regards,
Common Pleas Clerk

(864) 487-2571 (Phone)
(864) 487-2754 (Fax)

Exhibit - WW

422

South Carolina Court Administration

South Carolina Supreme Court

Columbia, South Carolina

December 14, 2021

Alonzo C. Jeter, III #282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

Re: Your correspondences received Oct. 5, 7, 14, 29, 2021 and Nov. 18, 2021

Dear Mr. Jeter:

This office received your recent requests for information regarding Chief Justice memorandums, authority of the Attorney General, duties of the Clerk of Court, and the Pilot Program. This office does not give legal advice or provide legal research.

Please contact the county Clerk of Court's Office or the Solicitor's Office in the county where your case in located, as they may be able to assist you further. Additionally, you may wish to contact the South Carolina Commission on Indigent Defense (P.O. Box 11433, Columbia, S.C. 29211) about having a lawyer appointed to assist you.

Sincerely,

Circuit Court Law Clerk/mw
SC Court Administration

423

Exhibit XX

c/c Kennedy Fm TCK

The Supreme Court of South Carolina

JEAN HOEFER TOAL
CHIEF JUSTICE

POST OFFICE DRAWER 11465
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1504
FAX: (803) 734-1517
E-MAIL: jtoal@sccourts.org

MEMORANDUM

TO: All Solicitors

FROM: Chief Justice Jean Hoefer Toal

RE: Plea Agreements and Discovery

DATE: March 1, 2004

It has come to my attention that solicitors in some circuits are offering plea agreements to defendants on the condition that they forgo discovery. This practice is going to have adverse consequences in the future with claims of ineffective assistance of counsel based on a claim that the plea was not voluntary because the applicant did not have access to the solicitor's file.

Furthermore, I believe it is unethical to premise a plea agreement on the defendant relinquishing the right to discovery in criminal cases. *See* Rule 3.4, RLDE, Rule 407, SCACR. I ask that any solicitors who are currently pursuing this practice to stop immediately.

On a separate issue, apparently some magistrates are setting bonds after *ex parte* meetings with alleged victims. This is also unethical and, although I will be communicating directly with the magistrates regarding the issue, I ask for any assistance you might be able to provide if you are aware that this is happening in magistrates courts in your area.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 7, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C
2022 JAN 31 PM 3:04
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing please find the Motion to Strike, Motion for Appointment of Counsel (Designated Counsel) And Written Order Of Judge; along with a Certificate of Service for the same.

Please find also enclosed an additional copy of these documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC
22 JAN 31 PM 3:
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion to Strike and Motion For Appointment of Counsel (Designated Counsel) and Written Order Of Judge; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mail room personnel on this 26th day of January, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, SC Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, P O Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

S/ [signature]
Alonzo C. Jeter
APPLICANT
Manning Correctional Institution
302 Beckman Drive
Columbia, SC 29203

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 7, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RECEIVED
JAN 26 2022
MCI MAIL ROOM

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing please find the Motion to Strike, Motion for Appointment of Counsel (Designated Counsel) And Written Order Of Judge; along with a Certificate of Service for the same.

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Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

RECEIVED
JAN 26 2022
MCI MAIL ROOM

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S/ [signature]
Alonzo C. Jeter
APPLICANT
Manning Correctional Institution
302 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

MOTION TO STRIKE
(Withdraw Motion)

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:04
BRANDY MCCRAE

COMES NOW, Applicant, respectfully moving that this Court would Strike the Motion to Recuse, which was filed by Applicant on October 1, 2021.

Applicant seeks to rescind/strike this motion due to the posture of this case at this Juncture. Applicant has made motions which specifically require the hand and adjudication thereof of the Chief Judge for the Court of Common Pleas.

The pending motion to recuse may function as a barrier which does not allow those pertinent motions to be adjudicated thereon by the Chief Judge, and thus, Applicant withdraws this motion.

WHEREFORE, it is for the above reasons, Applicant respectfully moves that the Motion to Recuse be striken, to allow this case to move forward and allow the Chief Judge full opportunity to adjudicate equitably the matters and issues which Applicant places before this Court.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT
Manning Correctional Institution
502 Bellman Drive
Columbia, SC 29203

This 1st day of January, 2022.

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

MOTION TO STRIKE
(Withdraws Motion)

RECEIVED
JAN 26 2022
MCI-MAIL ROOM

COMES NOW, Applicant, respectfully moving that this Court would Strike the Motion to Recuse, which was filed by Applicant on October 1, 2021.

Applicant seeks to rescind/strike this motion due to the posture of this case at this Juncture. Applicant has made motions which specifically require the hand and adjudication thereof of the Chief Judge for the Court of Common Pleas.

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WHEREFORE, it is for the above reasons, Applicant respectfully moves that the Motion to Recuse be striken, to allow this case to move forward and allow the Chief Judge full opportunity to adjudicate equitably the matters and issues which Applicant places before this Court.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT
Manning Correctional Institution
502 Bellman Drive
Columbia, SC 29203

This 1th day of January, 2022.

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

MOTION FOR APPOINTMENT OF COUNSEL (Designated Counsel), AND WRITTEN ORDER OF JUDGE (Pursuant to Supreme Court Order No. 2008-10-06-01 (10/6/08)

Applicant, Alonzo C. Jeter, respectfully motions that the Chief Judge for the Court of Common Pleas provide a written order pursuant to Supreme Court Order No. 2008-10-06-01 (October 6, 2008), Administrative Order 'RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court. See also S.C. Code Ann. §17-27-60 and RULE 71.1(d), SCRCP.

Applicant motions that in providing the written order, that this Court in its appointment, would designate Elizabeth Franklin-Best, P.C., as counsel of representation, pursuant to RULE 608(h)(1), SCACR.

Applicant has reached out to attorney Franklin-Best, seeking her assistance as this case does present novel and complex issues, and does have an extended precedural history and lengthy record. Attorney Franklin-Best has confirmed her interest and willingness to take this case by this Court's appointment. (See attached correspondance dated January 4, 2022, from South Carolina Appellate Law Group).

Applicant prays this Court would allow Applicant to obtain this willing counsel, through its appointment as Applicant has

CLERK OF COURT
CHEROKEE COUNTY, S.C.

become weary and has to weigh his litigation against his rehabilitive programming and mental health treatments.

With absolute diligence and extreme clarity has Applicant brought his issues to the bench of this Court, and now does pray that equity would lead thereon.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT

Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 1th day of January, 2022.



SC APPELLATE
LAW GROUP, LLC

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:07
BRANDY W. MCBEE

January 4, 2022

Alonzo Jeter III, SCDC 282902
Manning Correctional Institution
502 Beckham Drive
Columbia, SC 29203

Dear Mr. Jeter,

We hope you are doing well. We received your letter from late December 2021. Attorney Elizabeth Franklin-Best has a pretty full schedule right now, but asked that I reply to you. She said that should the court agree to appoint you an attorney for the PCR, she will take the case if the court allows. Keep us posted and let us know if we can do anything else for you. Take care!

Sincerely,

LaDonna Falvey

LaDonna Falvey
Paralegal
Elizabeth Franklin-Best, P.C.
S.C. Appellate Law Group
(803) 445-1333
ladonna@franklinbestlaw.com

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR APPOINTMENT OF COUNSEL (Designated Counsel), AND WRITTEN ORDER OF JUDGE (Pursuant to Supreme Court Order No. 2008-10-06-01 (10/6/08)

Applicant, Alonzo C. Jeter, respectfully motions that the Chief Judge for the Court of Common Pleas provide a written order pursuant to Supreme Court Order No. 2008-10-06-01 (October 6, 2008), Administrative Order 'RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court. See also S.C. Code Ann. §17-27-60 and RULE 71.1(d), SCRCP.

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CLERK OF COURT
CHEROKEE COUNTY, S.C.

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With absolute diligence and extreme clarity has Applicant brought his issues to the bench of this Court, and now does pray that equity would lead thereon.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT

Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 1th day of January, 2022.

435



SC APPELLATE
LAW GROUP, LLC

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:07
BRANDY W. MCBEE

January 4, 2022

Alonzo Jeter III, SCDC 282902
Manning Correctional Institution
502 Beckham Drive
Columbia, SC 29203

Dear Mr. Jeter,

We hope you are doing well. We received your letter from late December 2021. Attorney Elizabeth Franklin-Best has a pretty full schedule right now, but asked that I reply to you. She said that should the court agree to appoint you an attorney for the PCR, she will take the case if the court allows. Keep us posted and let us know if we can do anything else for you. Take care!

Sincerely,

LaDonna Falvey

LaDonna Falvey
Paralegal
Elizabeth Franklin-Best, P.C.
S.C. Appellate Law Group
(803) 445-1333
ladonna@franklinbestlaw.com

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

January 13, 2022

RECEIVED
JAN 26 2022
MCI MAIL ROOM

Robert M. Dudek, Esq.
SCCIO
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

RE: Prior Correspondence dated August 6, 2019

Dear Mr. Dudek

I wrote to your office on August 6, 2019, regarding my PCR appeal in the case of 2017-CP-11-0486. I wrote this letter to your office seeking an appointment of counsel in that appeal.

Will you please inform me of whether or not you have a copy of this correspondance and your reply to the same on file in your office.

If in fact you do, please do provide me with a copy as I never received a response from you or your office in this regard.

Thank you for your attention in this matter and all you do.

Sincerely,

Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

January 14, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Applicant's Exhibits YY, ZZ, Certificate of Authenticity, and a Certificate of Service for the same.

Enclosed, please also find an additional copy of these documents along with a self-addressed stamped envelope.

Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 2:05
BRANDY W. McBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:07
ANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served Applicant's Exhibits YY and ZZ, and Certificate of Authenticity; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personnel on this 26th day of January, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

S/ _____
Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v.

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

C/A No. 2019-CP-11-0457

APPLICANT'S EXHIBITS
YY and ZZ
and Certificate of Authenticity

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits

Exhibit YY - Correspondence dated April 5, 2021, from Chelsey F. Marto, AAG, to Honorable J. Derham Cole, regarding proposed Final Order

Exhibit ZZ - Proposed Final Order of Dismissal

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:07
BRANDY W. MCBEE

CERTIFICATE OF AUTHENTICITY, S. C. Code Ann. §17-27-40, 50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are Authentic, True and Correct. RULE 901, SCRE; RULE 5, SCRCP.

S/ _____
Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 14th day of January, 2022.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

January 14, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RECEIVED
JAN 26 2022
MCI MAIL ROOM

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Applicant's Exhibits YY, ZZ, Certificate of Authenticity, and a Certificate of Service for the same.

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Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

RECEIVED
JAN 26 2022
MCI MAIL ROOM

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S/
Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

C/A No. 2019-CP-11-0457

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YY and ZZ
and Certificate of Authenticity

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Exhibit ZZ - Proposed Final Order of Dismissal

RECEIVED
JAN 26 2022
MCI MAIL ROOM

CERTIFICATE OF AUTHENTICITY, S. C. Code Ann. §17-27-40, 50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are Authentic, True and Correct. RULE 901, SCRE; RULE 5, SCRCP.

S/ _____
Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

This 14th day of January, 2022.

Exhibit YY 443

ALAN WILSON
ATTORNEY GENERAL

April 5, 2021

The Honorable J. Derham Cole
Chief Administrative Judge
P O Box 1744
180 Magnolia Street, 2nd Floor
Spartanburg, SC 29304-1744

Re: **Alonzo Jeter, #282902 v. State of South Carolina**
2019-CP-11-0457

Dear Judge Cole:

Enclosed please find the proposed **Final Order of Dismissal** in the above-captioned cases.

If this Order meets your approval, please sign and return to me in the enclosed envelope, and I will forward to the Cherokee County Clerk of Court to be filed and served. If you have any questions, please do not hesitate to contact me.

Sincerely,

Chelsey F. Marto
Assistant Attorney General

CFM/ec
Enclosure

cc: Alonzo Jeter, #282902

Exhibit ZZ

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Jeter, #282902, Applicant, v. State of South Carolina, Respondent.	Case No.: 2019-CP-11-0457 **FINAL ORDER OF DISMISSAL**

This matter comes before the Court pursuant to a post-conviction relief application filed by Applicant Alonzo Jeter on June 19, 2019. Respondent moved to summarily dismiss the application on December 2, 2020, for untimeliness, successiveness, as barred by the doctrine of *res judicata*, and for failure to establish a *prima facie* case of newly discovered evidence.

Pursuant to this request, and after reviewing the attached pleadings pertinent to this matter, this Court issued a conditional order of dismissal dated December 7, 2020, provisionally summarily dismissing the application, but affording the applicant twenty days from service of the conditional order to provide sufficient reasons as to why this order should not be finalized. Applicant was personally served with this conditional order of dismissal on December 23, 2020, as evidenced by the attached affidavit of personal service.

Applicant has filed many responses after the issuance of the conditional order. On December 18, 2020, Applicant filed a letter requesting correspondence between the Attorney General's Office and the South Carolina Department of Corrections dated June 26, 2019 and its incorporated records dated July 10, 2019. The clerk of court for common pleas informed Applicant that they could not assist Applicant with this matter by written letter, filed December 18, 2020.

On December 21, 2020, Applicant submitted a letter requesting a ten day extension in

which to respond to the conditional order of dismissal and the return and motion to dismiss. Concordantly, Applicant submitted a like request though written letter sent directly to the Honorable J. Mark Hayes, II, then-Chief Administrative Judge for Common Pleas, on the same date. In this letter, he requested Judge Hayes review all filings and exhibits in the case, requested an extension to file the response objecting to the conditional order, and stated he did not think the conditional order adequately addressed the case.

Applicant filed the objection to the conditional order of dismissal on December 28, 2020. In this response, Applicant states he was denied of his right to reply to the conditional order of dismissal prior to the judge signing it. Applicant states the denial of the right to participate in writing the order and replying to the proposed order prior to signing it rendered the order ex parte communications. Applicant claims his responses, pieces of correspondence, and exhibits have been ignored because the conditional order was adopted by the court and because the Judge failed to address and adjudicate on the "issues of material fact." Applicant claims he is entitled to relief based upon newly discovered evidence that the State "unmerged" his 2004 convictions years after the fact. He claims this was discovered June 19, 2017 "as the issues in another PCR proceeding." He claims this application is not barred for untimeliness because of this newly discovered evidence. He claims this should not be barred for successiveness or by the doctrine of *res judicata* because, although Applicant raised the ineffective assistance of counsel claims in his last application, this application is not successive because the last application was summarily dismissed without ruling on the merits and because he was not afforded assistance of counsel. Applicant claims he is entitled to an evidentiary hearing because he has presented a case for why there is a genuine issue of material fact. Applicant also claims he is entitled to a hearing on both the procedural issues and on the merits.

Applicant also submitted a reply to Respondent's return and motion to dismiss on December 28, 2020. Applicant claims he is entitled to relief based upon newly discovered evidence based upon his discovery of the State's decision to "unmerge" his 2004 convictions. Applicant claims he discovered this while pursuing his 2016 PCR case. He also claims ineffective assistance of counsel because the "unmerging" occurred. Applicant claims this application is not successive or barred by the doctrine of *res judicata* because the last application was summarily dismissed instead of being adjudicated on the merits. Applicant claims the statute of limitations does not apply because his claim is newly discovered. Applicant claims the application should not be summarily dismissed because "genuine issues of material fact exist" and these issues require a hearing on the matter. Applicant also requested a motion hearing on the motion to dismiss.

Applicant filed a document entitled "Applicant's Exhibit M" on January 22, 2021. In this document, Applicant submitted a copy of his SCDC records as well as a cover letter, dated June 26, 2019, from Respondent to SCDC requesting the records.

On March 29, 2021, Applicant filed a supplemental amendment to the PCR application. In this, he alleged due process violations for failure to afford him PCR Counsel after the State moved to summarily dismiss the application. He stated he was denied counsel when attempting to appeal the summary dismissal case. He stated he was denied a hearing to determine if there was a genuine issue of material fact concerning procedural issues, "affirmative defenses, or concerning the merits of the case. He stated he received ineffective assistance of plea counsel in 2004. He also entered another exhibit in the case consisting of a motion to appoint counsel and to compel in his habeas action.

Also on March 29, 2021, Applicant filed another supplemental response to the motion to

dismiss and conditional order. Here, Applicant states the State has not met its burden in burying his current claims behind his lengthy procedural history consisting of prior actions taken raising similar claims. He claims the prior application was erroneously dismissed. He claims he has a valid ineffective assistance of counsel claim now. He also requests counsel in this case, which he claims he is entitled to in summary dismissal actions. He also claims he was entitled to counsel on an appellate case following the summary dismissal of the circuit court action. He claims he is now entitled to relief based upon ineffective assistance of 2004 plea counsel.

This Court has reviewed all responses in full and finds none of them are sufficient enough to warrant an evidentiary hearing. Consequently, this Court finds this application must be summarily dismissed with prejudice.

Applicant has not adequately shown why he is entitled to relief based upon newly discovered evidence. Applicant claims he newly discovered the evidence during the course of his last PCR action, on or around June 19, 2017. This current application was filed June 19, 2019; a year after the statutory period in which to file an application regarding newly discovered evidence had expired. That the application remains untimely filed set aside, Applicant fails to show why he could not have discovered this through reasonable diligence while entering the plea, why he is entitled to a vacated plea pursuant to the interests of justice. Further, Applicant seemingly concedes he raised this issue in his last application, which was summarily dismissed. Claims raised in his previous PCR action are not properly considered newly discovered evidence. Accordingly, this Court finds the application shall remain dismissed for failure to establish a *prima facie* case of newly discovered evidence.

Additionally, this Court finds that the application is barred for untimeliness. Applicant pled guilty to all charges on October 12, 2004. Thus, his PCR application was due on October

15, 2005. The current application was not filed until June 19, 2019. Applicant has failed to sufficiently explain the fourteen year delay between the remittitur of his appeal and this pursuit of remedy through the PCR process. Thus, the Court shall dismiss the matter as barred by the statute of limitations.

Applicant had a full opportunity to litigate all his allegations in his prior actions. Indeed, Applicant's allegations are identical to those raised to and ruled upon by the Court in the previous action. Applicant's allegations are seemingly identical to those raised and ruled upon by the Court in his last PCR application. This has seemingly been conceded to by Applicant in his responses. That he now reframes the issue already raised as an ineffective assistance of counsel claim is of no consequence. The underlying issue remains the same as before and should be rejected by the court. The finality of the previous Court rulings should be respected, and the application shall be summarily dismissed as barred by the doctrine of *res judicata*.

Further, Applicant's application is barred on successiveness grounds. Applicant's current allegations were or could have been raised in earlier proceedings based upon Applicant's prior PCR applications and Applicant has not sufficiently proven why these issues could not have been raised earlier. Thus, the current application is successive and barred.

Before this Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965). Applicant has failed to make such a showing based on the information set forth in his responses, and, consequently, is not entitled to an evidentiary hearing. Thus, the Court reasserts its finding in the conditional order of dismissal that the current PCR application must be dismissed for untimeliness, successiveness, as barred by the doctrine of *res judicata*, and for failure to establish a *prima facie* case of newly discovered evidence. Accordingly, this Court finds no reason why

the conditional order of dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons in this Court's conditional order of dismissal, the PCR application is hereby denied and dismissed with prejudice. This court hereby advises Applicant that he must file and serve a notice of appeal within thirty days of the service of this order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this _____ day of _____, 2021.

_____
J. DERHAM COLE
Chief Administrative Judge
Seventh Judicial Circuit

_____, South Carolina

January 14, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:04
BRANDY W. McBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Applicant's Additional Supplemental RULE 59(E) Motion To Alter and Amend/ Additional Objections, along with a Certificate of Service for the same.

Enclosed, please also find an additional copy of these documents, along with a self-addressed stamped envelope.

Please return to me a file-stamped copy of these documents, by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C
2022 JAN 31 PM 3:04
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Additional Supplemental RULE 59(e) Motion To Alter and Amend/Additional Objections; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personnel on this 26th day of January, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

S/

Alonzo C. Jeter, III
APPLICANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, APPLICANT, v State of South Carolina, RESPONDENT.	CASE No. 2019-CP-11-0457 APPLICANT'S ADDITIONAL SUPPLEMENTAL RULE 59(E) MOTION TO ALTER AND AMEND/ ADDITIONAL OBJECTIONS

Applicant, Alonzo C. Jeter, III, hereby provides additional supplemental RULE 59(E) Motion To Alter And Amend / Additional Objections. Applicant further objects as follows:

VERBATIM ADOPTION OF PROPOSED ORDER

Applicant objects and seeks this Courts attention as the proposed Final Order of Dismissal was adopted verbatim without the Judge reviewing the record for the proposed orders accuracy and unbias recitation of any facts. The Judge should be reasonable aware that this practice has been criticized and that he is to review the proposal and weight the proposal against any contradictory facts which the applicant pointed out and showed the Court by way of Applicants objections to the proposed order(s).

Applicant has raised this issue to this Court in previous filings and has emphasized that the Judge's action in this regard ultimately transforms His Honor into an advocate for the State/ Respondent who is also biased.

See Aiken County v BSP Div. of Envirotech Corp., 866 F2d 661, 667 (4th Cir. 1989) (labeling the "near-verbatim adoption" of proposed findings of fact and conclusions of law

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2022 JAN 21 PM 3:04

"less than ideal"). See recently, Burr v Jackson, 19 F.4th 395 (4th Cir. 2021) ("[The Court does] continue to "strongly criticize" the practice of verbatim (or close-to-verbatim) adoption of proposed opinions.")

Purposely Omitted Facts, Factual Basis & Uncontroverted Evidence

The Attorney General/Respondent in its Order which this Court chose to adopt blindly, purposely has omitted these facts which are pertinent to this case. There is for example, no discussion of the amendment to Applicant's prior PCR which this same practice of this Court allowed to prejudice Applicant. There is no discussion as to the proper standard of review, the Scintilla and more than scintilla standards. See Burr v Jackson, 19 F.4th 395 (4th Cir. 2021) (Emphasizing that a party nor this Court cannot dodge the proper standard of review by simply failing to argue it or address it.)

There has been no discussion of the evidence and exhibits which Applicant has submitted for the record and this Court's review. See Joseph Cambell Williams, II, v State, 2022 WL 110793 (slip copy) (The Supreme Court of South Carolina, "recognize[s] the regrettable practice "[of] successfully exclud[ing] evidence and then arguing that there is a lack of evidence). The evidence is not lacking in the case at bar, it is simply ignored with no reasonable basis as it is uncontroverted.

Lack of Facts and Factual Findings

This Court has allowed, as the Respondent as the drafter of the order, has intentionally omitted the pertinent facts which if were acknowledged and address would either 1) remain uncontroverted, be taken and accepted as true, and ultimately provide clear reason for relief or at the least evidentiary hearings on the procedural and merits of this case; or (2) would if acknowledged and refuted would display a dispute and questions of fact and law, which are genuine issues and therefore would still ultimately result in a hearing to resolve these matters.

As such, the Respondent and this Court has rather chose simply not to acknowledge the clear facts and ample evidence in this case.

The South Carolina Supreme Court has expressed the sheer importance in this Courts revealing clearly it reasonableness and thought patterns as it makes its determinations. See, In re Treatment & Care of Luckabaugh, 351 SC 122, 568 SE2d 338 (2002)(explaining that the lack and absence of factual findings makes the appellate courts task of reviewing a court order impossible.

Lack of Ruling and Factual Findings in Motions

This Court has declined to make any rulings on Applicant's motions which has been filed in this case. Such errors are an abuse of discretion and also a violation of Applicant's due process rights guaranteed by the U.S. and S.C. Constitutions.

This Court must make rulings on these motions and provide the facts and conclusions of law which support or at least attempt to explain this Court's reasons for its decisions. See State v Tessnear, 257 SC 290, 185 SE2d 611 (1971) (South Carolina Supreme Court explaining, "A determination of whether the motions... should have been granted requires a review of the material facts upon which the lower court acted.")

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 14th day of January, 2022.

January 14, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RECEIVED
JAN 26 2022
MCI MAIL ROOM

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Applicant's Additional Supplemented RULE 59(E) Motion To Alter and Amend/ Additional Objections, along with a Certificate of Service for the same.

Enclosed, please also find an additional copy of these documents, along with a self-addressed stamped envelope.

Please return to me a file-stamped copy of these documents, by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2021-CP-11-0457

CERTIFICATE OF SERVICE

RECEIVED
JAN 26 2022
MCI MAIL ROOM

I, Alonzo C. Jeter, III, hereby certify that I have served the Applicant's Additional Supplemental RULE 59(E) Motion To Alter and Amend / Additional Objections; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mailroom personnel on this 26th day of January, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia, SC 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

S/

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, APPLICANT,	CASE No. 2019-CP-11-0457
v	APPLICANT'S ADDITIONAL SUPPLEMENTAL RULE 59(E) MOTION TO ALTER AND AMEND / ADDITIONAL OBJECTIONS
State of South Carolina RESPONDENT.	

RECEIVED
JAN 26 2022
MCI MAIL ROOM

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See Aiken County v BSP Div. of Envirotech Corp., 866 F2d 661, 667 (4th Cir. 1989) (labeling the "near-verbatim adoption" of proposed findings of fact and conclusions of law

February 9, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 FEB 22 AM 11:20
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State, 2019-CP-11-0457

Dear Honorable McBee:

Please find enclosed correspondance dated February 9, 2022, intended for your reply.

Please also find a PRIORITY MATTER - Designation of Priority Matters and Judicial Notice of Priority Matters, along with a Certificate of Service for the same.

Lastly, please find an additional copy of the same, along with a self-addressed stamped envelope. Please return to me file-stamped copies of all documents enclosed (correspondance dated February 9, 2022, and Designation of Priority Matters).

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

February 9, 2022

Alonzo C Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 FEB 22 AM 11:20
BRANDY W. McBEE

RE: Alonzo C Jeter, III, v State, 2019-CP-11-045

Dear Honorable McBee:

I made a request to your office, filed on January 3, 2022, seeking that your office would assist me by issuance of a subpoena, inter alia. However, as of today, I am yet to receive any response or action from your office in such regard. Please do consider the matter a Priority Matter, and this correspondance as a renewal of my request.

Lastly, please find enclosed a self-addressed stamped envelope, along with a copy of this correspondance.

Please provide me a filestamped copy ~~of~~ of this correspondence along with your response by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT
Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 FEB 22 AM 11:20
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have served the PRIORITY MATTER-Designation of Priority Matters and Judicial Notice of Priority Matters; on Respondent by placing a copy of the same inside of a postage prepaid envelope and by placing said envelope in the hands of Manning Correctional Institution's mailroom personnel, on this 9th day of February, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, South Carolina Attorney General's Office, Post Office Box 11549, Columbia South Carolina 29211-1549. The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, South Carolina 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

~~Signature~~

Alonzo C. Jeter, III, #282902
APPLICANT/pro se

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF Common PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 **PRIORITY MATTER** DESIGNATION OF PRIORITY MATTERS AND JUDICIAL NOTICE OF PRIORITY MATTERS

Applicant, Alonzo C. Jeter, III, #282902, hereby comes respectfully in the interest of certainty and out of an abundance of caution, seeking that all motions, to include Applicant's requests for providing, issuing, making, etc subpoenas, subpoena duces tecum, dispositions, oral dispositions, and interrogatories upon the South Carolina Department of Corrections, and assistance with the same; be designated as Priority Matters pursuant to RULE 40(a)(2), SCRCP and RULE 40(h), SCRCP, and any and all other applicable authorities.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 FEB 22 AM 11:20
DEBRA H. MABEE

Applicant seeks that this Court is informed that he requests the Chief Judge for Administrative Purposes make independent ruling and adjudication on all motions filed in this case and that the motions, all motions, filed in this case be hereafter be Judicially noticed and recognized as Priority Matters.

Applicant also seeks Judicial notice of his requests to the Cherokee County Clerk of Court's office whereby Applicant has sought issuance and assistance with the issuance of the above mention discovery (subpoenas, dispositions, interrogatories, etc).

Lastly, Applicant provides, (attached), SCDC FORM 9-11 "Inmate/

Resident Release of Information Consent, dated February 9, 2022, whereby Applicant seeks that certain records of Applicant's be released for the record in this case.

Applicant seeks that this Court would issue an order compelling the South Carolina Department of Corrections to release to Applicant copies (printouts) of ARTSM messages approximately 10 messages, and also inmate records approximately 6 pages of commitment history report.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 9th day of February, 2022.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 FEB 22 AM 11:21
BRADY W. MCBEE

INMATE/RESIDENT RELEASE OF INFORMATION CONSENT

1. Name of Person, Agency, or Organization Requesting Information - (Please Print):
Alonzo C. Jeter, III, #282902 Pro se litigant pending action/Cherokee County Alonzo C. Jeter, III v State, 2019-CP-11-0457

2. Address:
Manning Correctional Institution
502 Beckman Drive, Columbia South Carolina 29203

3. Name of Institution Releasing Information:
Manning Correctional - South Carolina Department of Corrections

4. Inmate's/Resident's Name:
Alonzo C. Jeter, III

5. SCDC #:
282902

6. Specific Information to be Disclosed:
(1) Correctional committment history report which would reflect all charges for which inmate has been committed to the SCDC (all current and prior committments, listing of charges and the dates of committment)
(2) Any and all Automated Request To Staff Members
(3) Any and all recorded phone calls
(4) Any other records (I make all available for release)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C. 2022 FEB 22 AM 11:21 BRENDA J. MOBEE

7. Purpose of Disclosure:
Rehabilitation assistance, Rehabilitation and Reentry Plan, and to aid in any pro se litigation

INMATE/RESIDENT AGREEMENT

I, Alonzo C. Jeter, III, do herein give the South Carolina Department of Corrections permission to release the above mentioned specific information to the person, agency, or organization as indicated above and as provided by Public Law 92-255, Section 408.

Signature: [signature]

Date: February 9, 2022

Employee Witness: [signature]

Date: 2/9/22

This Authorization will expire: JAN. 01 2028
Date

SCDC 9-11 (Rev. 8-89)

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

March 8, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR 11 AM 11:03
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Applicants' Exhibit DDD, Certificate of Authenticity, Applicants' Exhibits - Table of Contents, and Certificate of Service for the same.

Enclosed, ~~please~~ please also find an additional copy of these documents, along with a self-addressed stamped envelope.

Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE

I, Alonzo C Jeter, III, hereby certify that I have served the Applicant's Exhibit DDD, Certificate of Authenticity, and Applicant's Exhibits - Table of Contents; on Respondent by by placing a copy of the same inside of a postage-prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mail room personnel on this 8th day of March, 2022, for mailing via United States Mail, addressed to: Chelsey F. Marte, AAG, Office of the Attorney General, Post Office Box 11549, Columbia South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

S/
Alonzo C. Jeter, III, #282902
APPLICANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR 11 AM 11:03
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

APPLICANT'S EXHIBIT DDD
and CERTIFICATE OF
AUTHENTICITY

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits DDD in this case:

EXHIBIT

DDD - SCDC Request To Staff Member (Request date November 5, 2020, Response date November 6, 2020) correspondence between Applicant and Ms. Kimberly Diaz of Tyger River Correctional Institution.

CERTIFICATE OF AUTHENTICITY - SC Code Ann. 17-27-40,50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are authentic, true and correct. RULE 901, SCRE; RULE 5, SCRCP

S/ Alonzo C. Jeter, III

S/

Alonzo C. Jeter, III
APPLICANT / prose
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 8th day of March, 2022

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR 11 AM 11:03
BRANDY W. MCBEE

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

EXHIBIT-000

TO: NAME:	TITLE:	DATE:
Mrs. K. Diaz	Classifications	November 5, 2020
INMATE'S NAME:		**SCDC #:**
Alonzo C. Jeter, III		282902
INSTITUTION:		**LIVING QUARTERS:**
Tyger River Correctional Institution		U-9-202

Hello Mrs. Diaz,

Will you please provide me a copy of my classification summary report which would reflect my projected release date, my employment history, my current and prior commitments to the SCDC, the amount of good-time, work credits, education credits I am earning/have earned, my rehabilitation and programming completions and status. Also, the website address where I may view this information.

Thank you for your assistance in this matter.

Alonzo C. Jeter, III

DISPOSITION BY STAFF MEMBER:

Attached is a copy of the public Inmate Search Information

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 MAR 11 AM 11:03
BRANDY W. MCBEE

DATE:	SIGNATURE:
11/16/20	

SCDC FORM 19-11 (REV.FEB 2001)

469

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE ALONZO C. JETER, III, #282902, APPLICANT, V STATE OF SOUTH CAROLINA, RESPONDENT.	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT CASE NO. 2019-CP-11-00457 **APPLICANT'S EXHIBITS** **TABLE OF CONTENTS**

APPLICANT'S EXHIBITS - (Table of Contents)

EXHIBIT A – Applicant's Criminal History Report from Cherokee County Sheriff's Office, dated January 19, 2018 – Received from Donna Brackett of the Records and Identification Bureau

EXHIBIT B – Letter from Barbara Peterson – Administrative Assistant to the Chief of Gaffney Police Department, dated January 25, 2018; providing a Certified Copy of Applicant's Criminal History Report

EXHIBIT C – Applicant's Criminal History Report from Gaffney Police Department's Records Division, dated January, 16, 2018; received from Barbara Peterson – Administrative Assistant to the Chief of Gaffney Police Department

EXHIBIT D – Relevant portion of Applicant's State Law Enforcement Division (SLED) Rap Sheet

EXHIBIT E – Motion To Reopen Record, filed May 1, 2017

EXHIBIT F – Envelope of Motion to Reopen Record, bearing Perry Correctional Institutional Mailroom Received date stamp of May 8, 2017

EXHIBIT G – Transcript of June 30, 2017, hearing on Motion to Reopen Record

EXHIBIT H – Order of Dismissal of case wherein claim was discovered (2016-CP-11-0293)

EXHIBIT I – Transcript of July 16, 2015 guilty plea

EXHIBIT J – Report and Recommendation of U.S. Magistrate (MGB), Mary Gordon Baker, dated January 14, 2020

EXHIBIT K – Order adopting the Report and Recommendation, US District Judge (MGL), Mary Geiger Lewis, March 5, 2020

EXHIBIT L – The South Carolina Department of Corrections' Classification Summary Report for Alonzo C. Jeter, III, Inmate Number 282902, dated July 17, 2017

EXHIBIT M

(1) – Correspondence of Eva Cook – Legal Assistant of the South Carolina Office of the Attorney General to Janice Kenealy – Office of Inmate Records of the South Carolina Department of Corrections, dated June 26, 2019

(2) Applicant's South Carolina Department of Corrections Records, which include: SCDC Offender Management System – Release Date Screen (dated July 10, 2019), Applicant's SCDC – Classification Summary Reports (dated July 10, 2019)

EXHIBIT N - (March 29, 2021, M Designated as Exhibit N) – Order dated January 14, 2020, in case Jeter v Tucker, 2:19-cv-1945-MGL-MGB, regarding Motion to Appoint Counsel and Motion to Compel

EXHIBIT P –

(a) Correspondence dated August 7, 2021, from Chelsey F. Marto to Cherokee County Court providing Original Final Order of Dismissal

(b) Page 1 of unfiled, unentered, Final Order of Dismissal (bearing judge's initial / mark at bottom of the page)

(c) Envelope from Chelsey F. Marto bearing 9/7/2021 postmark date.

EXHIBIT Q – FORM 4 Order of Judge J. Derham Cole, dated December 11, 2017, in the case of Alonzo C. Jeter, III v State, Case No. 2017-CP-11-00486

EXHIBIT R – Correspondence dated January 5, 2018, from Judge J. Derham Cole, regarding case Alonzo C. Jeter, III v State, Case No. 2017-CP-11-00486

EXHIBIT S – Correspondence dated August 6, 2018; Applicant's request for counsel from the Office of Appellate Defense

EXHIBIT T – Correspondence dated September 5, 2018, from Judge R. Keith Kelly

EXHIBIT U – Correspondence dated October 15, 2021, from the Spartanburg County Clerk's Office

SCDC 470
MAR 08 2022
MAILROOM

EXHIBIT V – Correspondence dated October 11, 2021, inquiry to Spartanburg County Clerk, Amy W. Cox

EXHIBIT W – Correspondence dated September 16, 2021, from Jasper County Clerk's Office

EXHIBIT X – Correspondence from South Carolina Supreme Court, dated September 1, 2021

EXHIBIT Y – Administrative Order, 2008-10-06-01, Jean H. Toal, Appointment of Counsel in PCR Cases

EXHIBIT Z – Corrspondence from South Carolina Supreme Court, dated December 6, 2021, and Applicant's Correspondence to Chief Justice, Donald Beatty, dated December 2, 2021

EXHIBIT AA – Corrspondence dated August 4, 2021, from Applicant to Beaufort County Clerk of Court

EXHIBIT BB – Correspondence from Beaufort County Clerk of Court to Applicant

EXHIBIT CC – Correspondence dated August 4, 2021, from Applicant to Union County Clerk of Court

EXHIBIT DD – Correspondence dated August 9, 2021, from Union County Clerk of Court

EXHIBIT EE – Correspondence dated December 10, 2020, from Chelsey F. Marto to Brandy W. McBee, providing Original Signed, Conditional Order of Dismissal, for filing (filed 12/14/2020)

EXHIBIT FF – Page 1 of Conditional Order of Dismissal bearing Judge's initial and Court's file-stamp, December 14, 2020; Page 10 of Conditional Order of Dismissal bearing Judge's signature and dated December 7, 2020

EXHIBIT GG – FORM 4, relative to Signed Conditional Order of Dismissal, providing judgment entered on December 14, 2020

EXHIBIT HH – Page 6 of Unfiled, Un-Entered, Final Order of Dismissal, bearing Judge's signature, initial, and dated August 30, 2021

EXHIBIT II – Correspondence from Melanie L. Lawson, Clerk of Court, Union County

EXHIBIT JJ – Applicant's Correspondence to Union County Court, dated December 21, 2021

EXHIBIT KK – Correspondence from York County Clerk of Court, dated February 28, 2020

EXHIBIT LL – Applicant's Correspondence to Beaufort County Court, dated December 21, 2021

EXHIBIT MM – Correspondence from Beaufort County Clerk of Court

EXHIBIT NN – Correspondence dated August 11, 2021, from Robert M. Dudek (South Carolina Division of Appellate Defense)

EXHIBIT OO – Correspondence dated August 31, 2021, from South Carolina Court Administration, Deputy Director, Court Services

EXHIBIT PP – Correspondence from Applicant to Patricia A. Howard, Clerk, South Carolina Supreme Court, dated September 20, 2021

EXHIBIT QQ – Correspondence from Patricia A. Howard to South Carolina Court Administration, dated September 30, 2021

EXHIBIT RR – Correspondence dated October 7, 2021, from Patricia A. Howard, Clerk, South Carolina Supreme Court

EXHIBIT SS – Correspondence dated October 7, 2021, from South Carolina Court Administration

EXHIBIT TT – Correspondence dated October 8, 2021, from South Carolina Court Administration

EXHIBIT UU – Correspondence dated October 20, 2021, from Patricia A. Howard, Clerk, South Carolina Supreme Court

EXHIBIT VV – Correspondence dated October 21, 2020, from Brandy W. McBee, Clerk, Cherokee County Court

EXHIBIT WW – Correspondence dated December 14, 2021, from South Carolina Court Administration

EXHIBIT XX – Memorandum of Chief Justice Jean Hoefer Toal, dated March 1, 2004; RE: Plea Agreements and Discovery

EXHIBIT YY – Correspondence dated April 5, 2021, from Chelsey F. Marto, Assistant Attorney General, to Honorable J. Derham Cole, regarding Proposed Final Order of Dismissal

EXHIBIT ZZ – Proposed Final Order of Dismissal

EXHIBIT AAA – Correspondence from York County Clerk of Court, dated January 11, 2022, and Applicant's January 11, 2022 Inquiry

EXHIBIT BBB – Case History Report (December 9, 2021) for case 2019-CP-11-0457

EXHIBIT CCC – Correspondence from Rodney W. Richey, Esq., dated January 5, 2022

EXHIBIT DDD – SCDC Request To Staff Member (RTSM) (Request date – November 5, 2020; Response date – November 6, 2020) – Correspondence between Applicant and Mrs. Kimberly Diaz of Tyger River Correctional Institution

CERTIFICATE OF AUTHENTICITY – S.C. Code Ann. §17-27-40, 50

The Applicant hereby certifies that all documents and exhibits which are submitted by the Applicant are Authentic, True, and Correct. RULE 901, SCRE; RULE 5, SCRCP.

S/

This 8th day of March, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

March 8, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR 11 AM 11:10
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v State; PCR Case No. 2019-CP-11-0457

Dear Honorable McBee,

I write with regard to the Case Management System and with regard to the Case History report I was provided by your office dated December 9, 2021.

In the interest of certainty I would bring to your attention that the Case History doesn't reflect a number of the filings I've submitted to your office for filing.

As the Case History report was dated December 9, 2021, I assume any and all filings which I submitted for filing prior to that date would be reflected on that report.

Those filings not reflected are:

1) Applicant's Exhibits A, B, C, D filed June 19, 2019
2) Affidavit of Authenticity filed June 19, 2019
3) Memorandum In Support of PCR filed June 19, 2019
4) Request For Admission Genuiness filed October 28, 2019

5) Request For Admission Genuiness filed October 22, 2020
6) Motion For Hearing filed November 20, 2020
7) Motion For Independent Adjudication filed August 16, 2021
8) Certificate of Service filed August 16, 2021
9) Motion For Written Order - Appt of Counsel filed Sept. 7, 2021
10) Certificate of Service filed September 7, 2021
11) Applicants' 59(E), SCRCP Motion filed September 24, 2021
12) Applicants' Exhibit P, filed September 24, 2021
13) Certificate of Service, filed September 24, 2021
14) Letter filed September 30, 2021
15) Reply filed September 30, 2021
16) Applicants' Supplemental 59(E), SCRCP Motion filed October 1, 2021
17) Motion To Recuse filed October 1, 2021
18) Certificate of Service filed October [redacted] 1, 2021
19) [redacted] Applicants' Exhibits Q, R, S, T, filed October 4, 2021
20) Certificate of Service filed October 4, 2021
21) Letter filed October 12, 2021
22) Letter filed October 12, 2021
23) Certificate of Authenticity filed October 12, 2021
24) Motion For Assistance with Copies and Costs filed October 12, 2021
25) Certificate of Service filed October 12, 2021
26) Reply To Respondents' Return filed October 29, 2021

27) Applicant's Exhibits U, V, and W filed October 29, 2021
28) Certificate of Authenticity filed October 29, 2021
29) Certificate of Service filed October 29, 2021
30) Notice of Change of Address filed December 3, 2021

All of these filings were submitted for filing prior to the date of Case History Report, dated December 9, 2021, provided to me by your office.

I bring this to your attention simply in the interest of certainty as I am unsure as to what effect the failure of the Case Management System/ Case History Report to reflect these filings, would have on the availability to access and have knowledge of these filings for public interest of the same or global adjudication.

Also, as there has been a substantial amount of filings made in [redacted] this case since your providing me the prior Case History Report, please do accept my request for an updated Report.

Lastly, I do want to thank you and your office for all that you do and have done on my behalf as I have attempted to provide a record which is satisfactory to the Court, which would clearly substantiate my claims.

I also would assume that you have received my Petition for Mandamus and for Declaratory Judgement by now (seeking

that the South Carolina Supreme Court would hear that action in its original Jurisdiction).

I certainly want to express to you and your office that I do not target you, nor am I unappreciative of the work you do on a daily basis on behalf of myself and other citizens of this State and County of Cherokee.

Your office was named, as it must be, as it simply falls within the process of PCR actions. The PCR's systematic process is not equitable as it is structured today. Mandamus and Declaratory actions are the only way that I may provoke the State and Legislature to take a hard look at South Carolina's inequitable systemic approach at PCR actions.

Sincerely submitted,

Alonzo C. Jeter, III

Please find an additional copy of this correspondence along with a self-addressed stamped envelope.

Please return to me a file-stamped copy of the same by way of the provided SASE.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

March 9, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the NOTICE of Subpoena, along with a Certificate of Service regarding the same.

Enclosed, please also find an additional copy of the same, along with a self-addressed stamped envelope.

Please return to me, file-stamped copies of these documents, by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR 17 AM 11:32
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served NOTICE of Subpoena on Respondent, by placing a copy of the same along with subpoena, inside of a postage-prepaid envelope, and placing said envelope in the hands of Manning Correctional Institution mail room on this 9th day of March, 2022, for mailing via United States Mail, addressed as follows: Alan M. Wilson, Esq., SC Attorney General, Chelsey F. Marto, Asst. Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

S/
Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC
2022 MAR 17 AM 11:
BRANDY MCBEE

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

March 9, 2022

Alan M. Wilson, Esq. SC Attorney General
Chelsey F. Marto, Asst. Attorney General
Office of South Carolina Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

RE: Alonzo C. Jeter, III v State of South Carolina
PCR Case No. 2019-CP-11-0457 (Cherokee County)
NOTICE OF SUBPOENA

Dear Counsel:

Please take Notice that a subpoena has been issued by the Cherokee County Court of Common Pleas and will be served upon the South Carolina Department of Corrections.

This subpoena seeks a production of and permission of inspection and copying of books, documents or tangible things, and electronically stored information which are in the possession, custody or control of the South Carolina Department of Corrections and its Divisions.

Applicant has requested that the SCDC comply with this subpoena request by April 1, 2022 at 5:00PM.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC
2022 MAR 17 AM 11:32
BRANDY H. MCBEE

Please see attached subpoena.

Regards,

Alonzo C. Jeter, III

cc: Brandy W. McBee, Clerk, Cherokee County
FILE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR 17 AM 11:32
BRANDY W. MCBEE

482

STATE OF SOUTH CAROLINA

ISSUED BY THE COMMON PLEAS COURT IN THE COUNTY OF CHEROKEE

Alonzo C. Jeter, III, Plaintiff

v. COPY SUBPOENA IN A CIVIL CASE

State of South Carolina, Defendant

Case Number: 2021-CP-11-00593 (19 457)

Pending in Cherokee County

TO: **SC Department of Corrections PO Box 21787 Columbia, SC 29221-1787**

☐ YOU ARE COMMANDED to appear in the above named court at the place, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME , AM

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME , AM

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects in your possession, custody or control at the place, date and time specified below (list documents of objects:

Request tangible copy, photocopy of my automated request to staff member (ARTSM) message. (the request and staff replies to the requests) a. ARTSM No. 21-02380144 b. ARTSM No. 20-01702490 c. ARTSM No. 21-02396101and request a copy of the audio recording that was conducted between Alonzo Jeter and Manning Classification-Job Board; on or about December 14, 2021, whereby I was provided Job assignment.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C. 2022 MAR 17 AM 11:32 BY W. MCBEE

PLACE	DATE AND TIME
Alonzo Jeter, III, #282902 **Manning Correctional Institution** **502 Beckman Dr. Columbia, SC 29203**	**April 1, 2022, 5:00 PM**

ANY SUBPOENAED ORGANIZATION NOT A PARTY TO THIS IS HEREBY DIRECTED TO RULE 30(b)(6), SOUTH CAROLINA RULES OF CIVIL PROCEDURE, TO FILE A DESIGNATION WITH THE COURT SPECIFYING ONE OR MORE OFFICERS, DIRECTORS, OR MANAGING AGENTS, OR OTHER PERSONS WHO CONSENT TO TESTIFY ON ITS BEHALF, SHALL SET FORTH, FOR EACH PERSON DESIGNATED, THE MATTERS ON WHICH HE WILL TESTIFY OR PRODUCE DOCUMENTS OR THINGS. THE PERSON SO DESIGNATED TESTIFY AS TO MATTERS KNOWN OR REASONABLY AVAILABLE TO THE ORGANIZATION

I CERTIFY THAT THE SUBPOENA IS ISSUED IN COMPLIANCE WITH RULE 45(c)(1), AND THAT NOTICE AS REQUIRED BY RULE 45(b)(1) HAS BEEN GIVEN TO ALL PARTIES.

Attorney/Issuing Officer's Signature | Date | Print Name
Indicate if Attorney for Plaintiff or Defendant
Attorney's Address and Telephone Number :

COPY

Clerk of Court/Issuing Officer's Signature | Date | Print Name
Pro Se Litigant's Name, Address and Telephone Number :

(See Rule 45, South Carolina Rules of Civil Procedure, Parts (c) & (d) on pages 2 and 3)

PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL
	PLACE	☐YES ☐ NO AMOUNT $
SERVED ON		MANNER OF SERVICE
SERVED BY		TITLE

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on_____

_____
SIGNATURE OF SERVER

_____
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedures, Parts (c) and (d):

(c) Protection of Persons Subject to Subpoenas.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance; or

(ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or

(iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena:

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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(iii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to incur substantial expense to travel from the county where that person resides, is employed or regularly transacts business in person, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1)(A)A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(6)(B). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, the receiving party must take reasonable steps to retrieve the information. The person who produced the information must preserve the information until the claim is resolved.

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March 14, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
PO Box 2289
125 E. Floyd Baker Blvd.
Gaffney, SC 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 MAR 21 AM 8:54
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Motion For Reimbursement of Expenses, Motion For Service of Order Ruling on Applicant's RULE 59(E), SCRCP, - By Certified Mail Delivery, and a Certificate of Service for the same.

Please find enclosed also, an additional set of these documents along with a self-addressed stamped envelope.

Please return to me file-stamped copies of the same by way of the provided SASE.

*Lastly, please inform me the status of this case as to ensure that the RULE 59(E), SCRCP, motion remains pending.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Reimbursement of Expenses, Motion For Service of Order Ruling on Applicant's RULE 59(E), SCRCP - By Certified Mail Delivery; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's Mail room personnel on this 14th day of March, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marte, AAG, Office of the Attorney General, PO Box 11549, Columbia, South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Box 2289, 125 E. Floyd Baker Blvd, Gaffney, SC 29342.

S/

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

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2022 MAR 21 AM 8:54
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

MOTION FOR REIMBURSEMENT OF EXPENSES

(Pursuant to RULE 602(g)(6), SCACR)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 MAR 21 AM 8:55
BY ANDY W. HOBBS

The Applicant, Alonzo C. Jeter, III, respectfully moves this Court, pursuant to RULE 602(g)(1), SCACR, RULE 602(g)(6), SCACR, and S.C. Code Ann. §17-27-60, to award/reimburse to the Applicant the expenses which he has incurred in his current and previous attempts to bring his issues before this Court for full and fair bite of the PCR process.

Applicant suffers as he has been forced to bring his issues before this Court, to include motions and exhibits, on two (2) occassions in attempt to acquire equitable adjudication. (Prior action - Alonzo C. Jeter, III, v State of South Carolina, PCR Case No. 2017-CP-11-0486).

As such, Applicant has incurred expenses for copying fees, mailing costs, paper, and other legal supply needs. This has resulted in inequitable and undue hardship on Applicant as these needs and the means he has had to undergo to meet these needs, even the repititious amounts of times he has had to rely on the SCDC's mailroom personnel to ultimately place the litigation in the U.S. Mail after stamping, weighing, adding postage and calculating the same, sealing, etc.

As a result of the same, Applicant has suffered loss of professional relationships with SCDC mail room personnel on multiple occassions due to the added stress. Applicant is also mindful of the Cherokee County Court's position and stress due to the same; also.

Simply due to the Respondent's bad faith in litigation and handling/scheduling/overseeing PCR matters and effectively misleading this Court by and through its tampering with the scales of Justice.

Applicant has not had the benefit of an appointment of counsel on either occassion and would ask that this Court do consider this fact.

WHEREFORE, Applicant prays this Court would issue an Order which would provide equitable reimbursement of expenses which Applicant has incurred, and in the alternative, Order that the Office of the Attorney General be compelled to satisfy such equitable reimbursement.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 14th day of March, 2022.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR SERVICE OF ORDER RULING ON APPLICANT'S RULE 59(E), SCRCP, BY CERTIFIED MAIL DELIVERY

Applicant, out of an abundance of caution ~~and~~ and due to the unusual procedural irregularities and posture of this case, respectfully moves that this Court would provide service by certified mail delivery (Restricted) of this Courts Order in which it would make its ruling on Applicants RULE 59(E), SCRCP, motion which is currently pending before this Court.

Applicant, by way of this Motion, does emphasize that he does intend to appeal any unfavorable ruling which is made in the case at bar and RULE 59(E), SCRCP, motion.

Respectfully submitted,

Alonzo C. Jeter, III
PETITIONER / pro-se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 14th day of March, 2022.

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CLERK OF COURT
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