

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

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

v

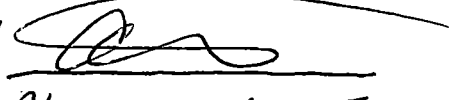
State of South Carolina, ----- RESPONDENT.

APPELLATE CASE NO. 2022-000750

PAGE 12 of 31 PAGE SUPPLEMENTAL/
AMENDED PETITIONER'S EXPLANATION

Petitioner, Alonzo C. Jeter, III, hereby designates the attached Standard Of Review as page 12 of 31 of the Supplemental/ Amended Petitioner's Explanation. (See attachment).

Respectfully submitted,



Alonzo C. Jeter, III
PETITIONER / prose

Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 29th day of July, 2022.

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of
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S.C. SUPREME COURT

STANDARD OF REVIEW

In PCR actions, the burden of proof is on the applicant. Butler v State, 286 SC 441, 334 SE2d 813 (1985). “This Court gives great deference to the factual findings of the PCR court and will uphold them if there is any evidence of probative value to support them.” Sellner v State, 416 SC 606, 610, 787 Se2d 525, 527 (2016). “Questions of law are reviewed de novo, and we will reverse the PCR court’s decision when it is controlled by an error of law.” Id.

“Summary dismissal of a PCR application without a hearing is appropriate only when (1) it is apparent on the face of the application that there is no need for a hearing to develop any facts and (2) the applicant is not entitled to relief.” Leamon v State, 363 Sc 432, 434, 611 SE2d 494, 495 (2005); S.C. Code Ann. §17--27-70(b),(c) (2014). When considering the State’s motion for summary dismissal of an application, where no evidentiary hearing has been held, the PCR judgment assume facts presented by the applicant are true and view those facts in the light most favorable to the applicant. Leamon, 363 SC at 434, 611 Se2d at 495. When reviewing the propriety of a dismissal, an appellate court must view the facts in the same fashion. Id.

Love v State, 428 SC 231, 834 SE2d 196 (2019) (“On review of a post conviction court’s resolution of procedural questions arising under the Uniform Post-Conviction Procedure Act or the South Carolina Rules of Civil Procedure, the appellate court applies an “abuse of discretion” standard.”); Mangal v State, 421 SC 85, 805 SE2d 568 (2017) (“Supreme Court applies an abuse of discretion standard on review of a post-conviction relief (PCR) court’s resolution of procedural questions arising under the Post Convictions Procedure Act or the Rules of Civil Procedure.”)

Dennison v State, 371 SC 221, 639 SE2d 35 (2006) (“Unlike review of a conviction, which is by direct appeal and is a constitutional right, review of a decision in a post conviction relief matter is discretionary by way of a writ of certiorari.”)

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