

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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OCT 17 2022

SC Court of Appeals

Appeal From Bamberg County  
Honorable Courtney Clyburn-Pope, Circuit Court Judge

The State,

Respondent,

Vs.

Kelcie Ralph Gilbert,

Appellant.

APPELLATE CASE No. 2022-000307

Motion to relieve Counsel

Comes Now, Appellant Kelcie R. Gilbert, will move this Court to relieve appellate Counsel Wanda H. Carter. Said motion is made on the grounds that, Counsel above named filed an petition with the Court to be relieved in this matter on or about July 15<sup>th</sup>, 2022. Counsel filed said petition without notice to appellant. Since filing said petition Appellant has filed a motion to hold appeal in abeyance and for leave of this Court to file a motion in lower Court for a new trial pursuant to rule 29(b) of SCCRP. Appellant hereby moves this Court to relieve

Counsel in this matter so that he may move forward with his motion to hold his appeal in abeyance, so he may have his new information heard in lower court. Furthermore, Appellant received notice from this court indicating Counsel had moved to be relieved as my counsel, and I was therefore permitted to move pro se in filing a brief addressing any issues I believe this court should consider in this appeal.

THEREFORE, based on all of the foregoing reasons Appellant request RESPECTFULLY that his request to relieve Counsel, and his request to hold appeal in abeyance be granted.

Respectfully Submitted,  
Kelcie CUNA

Date: 10/12/22

Kelcie Ralph Gilbert  
Appellant Pro Se,  
Bridgeland, South Carolina

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Appeal from Bamberg County **SC Court of Appeals**  
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THE STATE,

Respondent,

vs.

Kelcie Ralph Gilbert,

Appellant.

Appellate Case No. 2022-000307  
Motion to hold appeal in abeyance

Now Comes Appellant Gilbert by way of this motion will this Court to respectfully request that his appeal be held in abeyance, and for this Court to grant him leave to make a motion in the Court of General sessions for a new trial based upon after discovered evidence. Pursuant to rule 29(B) of SCREP. Appellate Kelcie R. Gilbert makes this motion on the grounds that, After the trial of this case. Several new witness has come forward with new information that appellant feels would probably change the result if a new trial was given.

Jeffery P. Norton Jr, and Jacaue~~l~~ie Summers, two witnesses has come forward with new information. Ms. Summers states, that she personally witness the victim in this matter "Victor Middleton" being passed a chrome and black handgun out of the black Nissan Altima. Ms. Jacaue~~l~~ie Summers further states that after Victor had the gun he sped off towards the stop sign, and it became clear to her what was about to happen. Ms. Summers states that she told the Appellant to "get us from here ASAP!" At which time the victim was at the stop sign with his gun in hand.

Appellant would request to have his appeal held in abeyance based upon Jacaue~~l~~ie Summers eye-witness account. In addition to Ms. Summers, Appellant also makes this motion on the account of Jeffery P. Norton Jr, Mr. Norton witness the shooting, and seen the victim "Victor Middleton" got up with a chrome gun in his hand, and got into the black Nissan Altima. Appellant feels in light of those facts a fundamental miscarriage of Justice will occur if this matter is not heard.

THEREFORE, based upon all of the foregoing reasons stated above. Appellant request to have his appeal held in abeyance, and his request for leave should be granted.

Respectfully Submitted,

~~Kelece Cous~~

Kelcie Ralph Gilbert

Appellant Pro Se

Ridgeland, South Carolina

Date: 9/22/22

P.O. Box 2039  
Ridgeland, S.C. 29936

STATE OF SOUTH CAROLINA

COUNTY OF BAMBERG

IN THE MATTER OF:

STATE of SOUTH CAROLINA

Plaintiff

Vs.

Kelcie Ralph Gilbert

Defendant

IN THE COURT OF GENERAL SESSIONS

CASE No. 2021-GS-05-00050

2021-GS-05-00051

AFFIDAVIT OF

JACQUELINE SUMMERS

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SEP 27 2022

**SC Court of Appeals**

Personally, appeared before me Jacqueline Summers, who after being duly sworn deposes and says:

- 1) I have personal knowledge of the facts set forth herein, I am over the age of 18, and I am competent to testify.
- 2) I make this affidavit of my own personal knowledge of the matters stated herein.
- 3) I make this affidavit of my own free will without promise of hope reward, without fear of physical harm, without coercion, favor or offer of favor, without leniency, by any persons whomsoever.
- 4) I make this affidavit voluntarily, knowingly, and intelligently.
- 5) On or about July 18<sup>th</sup>, 2020, I, Jacqueline Summers, went to Olar to a birthday party with Kelcie Gilbert.
- 6) Everything was okay until Kelcie, and I was told by Lewis Orr that Victor Middleston was on his way there so Kelcie may want to leave.
- 7) At this time I, Jacqueline Summers, stated to Kelcie we need to go before Victor got there.
- 8) Kelcie wanted to stay at the party so I left to walk to my cousin house. Not long after Kelcie came to pick me up.
- 9) We made a right turn on Cave, and when we did, we up on a Black Nissan Altima moving. There was a person on a dirt bike who shot pass us.

- 10) When the dirt bike passed us, that's when we noticed who it was on the dirt bike, Victor Middleton. I saw a gun being passed to Victor from the driver side of the car.
- 11) After Victor got the gun he sped off towards the stop sign, I noticed what was about to happen and I Jacqueline Summers, told Kelcie to get us from there ASAP.
- 12) Kelcie cut across some grass to get to Hwy 64 as we were trying to get there I seen the gun in Victor's hand.
- 13) At this time, I reached for my gun but Kelcie grabbed it before I could.
- 14) Kelcie started shooting as we passed by. I was so scared I pissed myself. All I can remember saying is go he's going to kill us. I just knew it was over for us.
- 15) I, Jacqueline Summers was told not to come forward and give a statement to the police about the shooting so out of fear of retaliation I did not.
- 16) I, Jacqueline Summers, further state that this affidavit is true to the best of my knowledge, and I, Jacqueline Summers declare under the penalty of perjury that the foregoing is true and correct.

*3 Jacqueline Summers*

Jacqueline Summers  
Giving Voluntary Statement

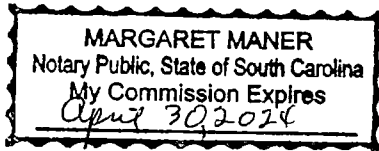
The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information, and belief, and hereby submits to the Courts jurisdiction in this matter.

Sworn to before me this 23 day of Sept., 2022

Margaret Maner

Notary Public for South Carolina

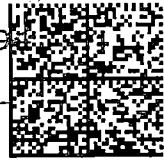
My commission Expires: 30 April 2024.



Kelcie Gilbert 336623-BA-03  
Ridgeland Correctional Institution  
5 Correctional Rd.  
Ridgeland, S.C. 29936

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**SC Court of Appeals**

RIDGELAND CORRECTIONAL  
INSTITUTION

OCT 14 2022

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