

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal From Cherokee County Court of Common Pleas
The Honorable R. Keith Kelly, Circuit Judge
Lower Case No. 2021-CP-11-00593

APPELLATE CASE NO.

Alonzo C. Jeter, III, ----- APPELLANT,

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

MOTION FOR FINANCIAL ASSISTANCE
FOR OBTAINING TRANSCRIPT OF PROCEEDINGS

Appellant, Alonzo C. Jeter, III, comes respectfully, seeking that this Court, or in the alternative that the Lower Court be ordered, to provide Appellant sufficient financial assistance for obtaining the verbatim transcript of the proceeding (hearing) which was held in the lower court.

Appellant informs the Court that he is an indigent prisoner. This Court has also granted Appellant opportunity to proceed in this action with out costs/ In Forma Pauperis.

Appellant is in fact employed in the South Carolina Department of Corrections, working an 8 hour per day shift, 5 days per week; however, he is not allowed to earn wages for his employment due to South Carolina Laws and its embracement of the

the Slavery Exception Clause which exists within the Thirteenth Amendment of the United States Constitution. Appellant is not a pauper by his own free will.

Appellant would also emphasize that the above mentioned certified verbatim transcripts are needed for meaningful appellate review of this case, as the transcript would contain pertinent, important, and substantial argument from both parties of this action and the Judge regarding the subject matter of this case and the reasoning of all. The transcripts should be provided and assistance in obtaining the transcripts should be provided in the interest of Due Process, Equal Protection, and Fundamental Fairness as guaranteed by the United States Constitution. Appellant should not be blocked from meaningful appellate review by imposition of undue burden nor constructively barred from the court or meaningful appellate review by reason of his impecuniosity. Lane v. Brown, 372 US 477, 83 Sct 768 (1963) ("Equal Protection of the law requires that a state with an appellate system which makes available trial transcripts to those who can afford them must provide as adequate appellate review to indigent defendants."); Mayer v. City of Chicago, 404 US 189, 92 Sct 410 (1971) ("Whether appeal [] is discretionary or as of right does not affect indigent's right to transcript, since indigents must have the same opportunities to invoke the discretion

of the court as those who can afford the cost."); Williams v Peyton, 297 F.Supp. 857 (1969) ("Refusal to provide an indigent [prisoner] a free transcript of the record constitutes a denial of fundamental constitutional rights."); Gristen v Illinois, 351 US 12, 76 Sct 585 (1956) (The United States Supreme Court holding unconstitutional a requirement that indigents pay a fee to receive a trial transcript that was essential for bringing an appeal.); Orbe v True, 233 F.Supp. 2d 749 (2002) ("[Failure to provide indigent petitioners equal access to post-conviction proceedings is a violation of the federal constitution."); Lane v Brown, 372 US 472, 83 Sct 768 (1963); Mayer v City of Chicago, 404 US 189, 92 Sct 410 (1971) ("In all cases the duty of the state is to provide the indigent with as adequate and effective appellate review as that given appellants with funds and, in terms of trial record, this means that the state must afford the indigent a record of sufficient completeness to permit proper consideration of his claims."); Jones v Superintendent, Virginia State Farm, 460 F2d 150 (1972) ("It is [] clear that when a need for a transcript in order to collaterally attack a conviction is shown, equal protection and due process require the state to furnish an indigent prisoner such transcript without charge.")

Failure or refusal to provide sufficient funding and assistance which would allow Appellant to compose a complete record for appellate review; such appellate review would be no more than an empty shell and not meaningful and effective appellate review as the appellate court is constrained by its standard of review and the contents which are contained in the record placed before the court. Fundamental fairness and equity would and should counsel that that based on all of the aforementioned, the costs for acquiring the transcript should be burdened by the court in this case and circumstance.

Mayer v City of Chicago, 404 US 189, 92 Sct 410 (1971) ("[An] indigent [pauper] must be afforded as effective an appeal as the [party] who can pay."); Smith v Robbins, 528 US 259, 120 Sct 746 (2000) ("[J]ustice may not be conditioned on the ability to pay."); Griffin v Illinois, 351 US 12, 76 Sct 585 (1956) ("There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."); Jones v Leagon, 388 SC 1, 19, 681 SE2d 6, 16 (2009) ("Courts have the inherent power to do all things reasonably necessary to ensure that just results are reached to the fullest extent possible."); N.A.A.C.P. v Meese, 615 F. Supp. 200 (1985) ("One of the basic

principles, one of the glories of the American system of justice is that the courthouse door is open to everyone - the humblest citizen, the indigent, the convicted felon, the illegal alien.")

Respectfully submitted, 

Alonzo C. Jeter, III,
APPELLANT/pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 9th day of March, 2023.