

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
The Honorable Milton B. Kimpson, Judge
Case No. 22-ALJ-04-0183-AP

Case No. 2023-000948

Alonzo C. Jeter, III, #282902 ----- APPELLANT,

South Carolina Department of
Corrections, ----- RESPONDENT.
v

MOTION TO RECALL THE
REMITTITUR

Appellant, Alonzo C. Jeter, III, comes respectfully moving that this Court would recall the remittitur issued in this case on October 17, 2023.

State v Keels, 39 S.C. 553, 17 S.E. 802 (1893) ("In order to justify this court in exercising the unusual power of recalling the remittitur after it has been sent down, a very strong showing would be required that the remittitur was sent down through some mistake or inadvertence on the part of this court or its officers...")

Appellant filed a Notice of Appeal with the South Carolina Supreme Court, appealing this Court's decision, on this case.

The Notice of Appeal was in fact also served on this Court as evidenced by this Court's September 22, 2023, filing of the same. Appellant's case was provided a docket number of 2023-001508, by the SC Supreme Court - evidencing the SC Supreme Court's receipt of and filing of Appellant's ~~Appell~~ Appeal.

As such, this Court has sent the remittitur down through some mistake or inadvertence on the part of this Court or its officers.

In addition, Appellant questions this Court's power and jurisdiction in issuing of the remittitur as it was new the South Carolina Supreme Court whom seems had the power and jurisdiction over Appellant's case. See i.e. State v Barnes, 413 SC 1, 774 S.E.2d 454 (2015) (previning contrast to Appellant's jurisdictional question as to the power to issue the remittitur.)

In any event, Appellant comes ~~do~~ not demanding, but rather asking respectfully and prayerfully that the remittitur be recalled - and that hopefully this Court understands Appellant's circumstance.

Respectfully Submitted, 

Alonzo C. Jeter, III
APPELLANT / pro se
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina

This 26th day of October, 2023.

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CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion to Recall The Remittitur on the Respondent, by placing a copy of the same inside of a postage prepaid envelope, and by placing said envelope in the hands of Evans Correctional Institution's mail room personnel on this 26th day of October, 2023, for mailing via the United States Mail, addressed as follows: Joseph R. Shukibanasab, Esq., Office of General Counsel, South Carolina Department of Corrections, PO Box 21787, Columbia SC 29221-1787; Jemmy A. Kitchings, Clerk, PO Box 11629, Columbia, SC 29211; Patricia A. Howard, Clerk, South Carolina Supreme Court, PO Box 11330, Columbia SC 29216.

SI 

Alonzo C. Jeter, III
Evans Correctional Institution
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Bennettsville, SC 29512