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Dec 11 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Walton J. McLeod, IV, Circuit Court Judge

JONTEZ M. WARD,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000897

SUPPLEMENTAL APPENDIX

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Appellate Defender

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Attorney General

South Carolina Commission on Indigent Defense
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Diane Schafer Goodstein, Circuit Court Judge

Case No.: 2015A1010201419; 2015A1010201420; 2018GS1004100

The State,

Respondent,

v.

Jontez Myrelle Ward,

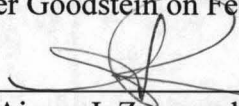
Appellant.

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FEB 22 2019
SC Court of Appeals

NOTICE OF APPEAL

Jontez Myrelle Ward appeals the convictions and sentences in these cases. The sentences were imposed by the Honorable Diane Schafer Goodstein on February 7, 2019.

February 22, 2019


Aimee J. Zmroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
Telephone: 803-400-1918
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Attorney for Appellant

Other Counsel of Record:
Alexander Ziegler
Assistant Solicitor, Ninth Judicial District
101 Meeting Street
Charleston, SC 29401
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Diane Schafer Goodstein, Circuit Court Judge

Case No.: 2015A1010201419; 2015A1010201420; 2018GS1004100

State of South Carolina,

Respondent,

v.

Jontez Myrelle Ward,

Appellant.


RECEIVED
FEB 22 2019
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Alexander Ziegler by depositing a copy of it in the United States Mail, postage prepaid, on February 22, 2019, addressed to his office at:

101 Meeting Street
Charleston, SC 29401

February 22, 2019



Aimee J. Zmroczek, Esq.
P.O. Box 11961
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Fax: 803-403-8005
ajzlawfirm@gmail.com
Attorney for Appellant



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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February 25, 2019

Ms. Aimee Jendrzewski Zmroczek, Esquire
PO Box 11961
Columbia SC 29211

Re: The State v. Jontez M. Ward
Appellate Case No. 2019-000295

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter has been changed to read as follows:

The State, Respondent,

v.

Jontez Myrelle Ward, Appellant.

All future records in this matter should be changed to reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads "V. Clara Allen, Deputy". The signature is written in a cursive style.

CLERK

cc: Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Alexander J. Ziegler, Esquire
Robert Michael Dudek, Esquire



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) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 27, 2019

RECEIVED
FEB 27 2019
SC Court of Appeals

Mr. Jontez M. Ward, #320975
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

Re: Your Case

Dear Mr. Ward:

This office is in receipt of a notification from the South Carolina Court of Appeals that you have filed a Notice of Intention to Appeal. If you are possibly wanting this office to represent you on appeal, **please complete the following questions and answer all questions on the enclosed Affidavit of Indigency, and have it notarized and return it to me no later than March 15, 2019, or we will be closing our file. If we do not hear from you by this time we must assume that you have retained private counsel to perfect your appeal.**

Are you appealing from a trial conviction hearing or from a post-conviction relief hearing? _____

In what county was this hearing held? _____

Presiding Judge's name: _____

List **all hearing dates** related to your case and the purpose of each hearing (include the Judge's name if different from the Judge listed above):

Mr. Ward, #320975
February 27, 2019
Page Two

Were you represented by a court-appointed attorney, public defender or retained counsel?

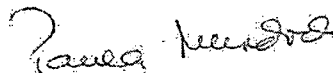
Name of attorney/public defender: _____

If represented by retained counsel, how much was paid for his/her services and how much is still owed this attorney? _____

After receipt of this information and the Affidavit of Indigency, it will be presented to the Chief Appellate Defender to see if this office will be able to offer its services to you. If you do not hear from me, you will know that it was approved for this office to represent you on your appeal.

Also, if it is approved for this office to represent you on appeal, I will request the transcript from the court reporter. The court reporter has sixty (60) days in which to type the transcript or request an extension of time in which to do so. After this office receives the transcript, I will assign your case to an attorney, and that attorney will write you a letter informing you of your new counsel of record on appeal.

Sincerely,



Paula Murdoch
Administrative Coordinator

/mpm

cc: **South Carolina Court of Appeals**
Ms. Aimee J. Zmroczek, Esquire

Enclosure

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

AFFIDAVIT OF INDIGENCY

Case Name _____

Criminal Case No. _____

Current Address: _____

Are you incarcerated? Yes (If "Yes") Where? _____
 No

What were you convicted of? _____

What was your sentence? _____

Are you appealing from
_____ trial, _____ guilty plea _____ a post-conviction relief hearing?

In what county was this trial/hearing/guilty plea held? _____

Presiding Judge's name? _____

Date of trial/guilty plea or post-conviction hearing: _____

Were you represented by
_____ a court-appointed attorney _____ public defender or _____ retained counsel?

Name of attorney/public defender? _____

If retained, how much did you pay for attorney fees? \$ _____

If you still owe money to your attorney, how much? \$ _____

1. Are you presently employed? Yes _____ No _____

a. If "yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

b. If "no," state the name and address of last employment, date of termination of employment, and amount of your salary or wages per month. _____

2. List by name, age and relationship to you, any persons who are dependent upon you for support. Indicate beside each how much you contribute toward their support. _____

3. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes _____ No _____

b. Rent payments, interest or dividends?

Yes _____ No _____

c. Pensions, annuities or life insurance payments?

Yes _____ No _____

d. Gifts of inheritance?

Yes _____ No _____

e. Any other sources?

Yes _____ No _____

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months. _____

4. Do you own cash, or do you have any money in a checking or savings account?

Yes _____ No _____

If the answer is "yes," state the total amount of the cash owned. \$ _____

5. Do you own any real estate, stocks, bonds, notes or other valuable property (excluding ordinary household furnishing and clothing)? Yes _____ No _____

If the answer is "yes," describe the property and state the appropriate value of the items owned. _____

6. What kind of motor vehicle do you own? _____

Is it paid for? Yes _____ No _____

If not, what are the monthly payments? \$ _____

7. How much do you owe (on liens, mortgages, other encumbrances or debts)? _____

I do solemnly swear that the account by me delivered into this Court does contain a true and full account of all my real and personal estate, debts, credits and effects whatsoever without exception, which I, or any person in trust for me, have or at the time of my possession had, or am, or was, in respect, entitled to, in possession, remainder or reversion and that I have not at any time since charges were made against me or before, directly or time since charges were made against me or before, directly or indirectly sold, leased, assigned or otherwise disposed of or made over, in trust for myself or otherwise, other than is mentioned herein.

I understand that the State shall file a claim against me in an amount equal to the cost for representation, but that such claim shall not constitute a lien against my property, unless, the claim is reduced to judgment by the Order of the Court after giving me at least thirty days' notice.

Under penalty of perjury, I certify that the information given by me on this affidavit is true and correct, and I understand that I will be subject to civil and/or criminal penalties if I knowingly furnish false information.

I am financially unable to employ counsel.

This _____ day of _____, _____.

Defendant

I understand that I am entitled to at least thirty days' notice before a claim against me may be reduced to judgment, and I do hereby waive the right to such notice.

This _____ day of _____, _____.

Defendant

SUBSCRIBED AND SWORN to before me this
_____ day of _____, _____.

Notary Public for South Carolina
My Commission Expires: _____

The South Carolina Court of Appeals

The State, Respondent,

v.

Jontez Myrelle Ward, Appellant.

Appellate Case No. 2019-000295

The Honorable Diane Schafer Goodstein

Charleston County

Trial Court Case No. 2018GS1004100, 2016GS1000904,
2016GS1000903

ORDER

Appellant has failed to timely serve the notice of appeal as required by Rule 203(b)(2) of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire

John Benjamin Aplin, Esquire

Alexander J. Ziegler, Esquire

Aimee Jendrzewski Zmroczek, Esquire

Robert Michael Dudek, Esquire

FILED

02/27/19

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Diane Schafer Goodstein, Circuit Court Judge

Case No.: 2015A1010201419; 2015A1010201420; 2018GS1004100
Appellate Case No.: 2019-000295

The State,

Respondent,

v.

Jontez Myrelle Ward

Appellant.

RECEIVED
MAR 08 2019
SC Court of Appeals

MOTION FOR RECONSIDERATION

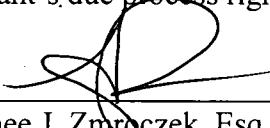
The Appellant, by and through the undersigned counsel, moves pursuant to Rule 59(e) SCRPC for an order altering or amending the court's prior order filed on February 27, 2019, dismissing Appellant's appeal.

Appellant submits this motion to ensure that he has "enable[d] the lower court to rule properly after it has considered all relevant facts, law, and arguments." *Staubes v. City of Folly Beach*, 339 S.C. 406, 412, 529 S.E.2d 546, 546 (2000). Specifically, Appellant would state:

1. Appellant proceeded pro se at the trial of this matter.
2. Appellant received a guilty verdict.
3. Appellant intended to appeal the guilty verdict however he was not allowed access to the law library at the South Carolina Department of Corrections and therefore did not have the knowledge of the requirement of serving the Notice of Appeal on the solicitor and the clerk of court for the county in which the trial took place.

4. If this appeal is dismissed, Appellant's due process rights will have been violated.

March 7, 2019



Aimee J. Zmroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
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ajzlawfirm@gmail.com
Attorney for Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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MAR 08 2019

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

SC Court of Appeals

Diane Schafer Goodstein, Circuit Court Judge

Case No.: 2015A1010201419; 2015A1010201420; 2018GS1004100
Appellate Case No.: 2019-000295

The State,

Respondent,

v.

Jontez Myrelle Ward


Appellant.

PROOF OF SERVICE

I certify that I have served the Motion for Reconsideration on Alexander Ziegler by depositing a copy of it in the United States Mail, postage prepaid, on March 7, 2019, addressed to his office at:

101 Meeting Street
Charleston, SC 29401

March 7, 2019


Aimee J. Zmroczek, Esq.
P.O. Box 11961
Columbia, South Carolina 29211
Telephone: 803-400-1918
Fax: 803-403-8005
ajzlawfirm@gmail.com
Attorney for Appellant



ALAN WILSON
ATTORNEY GENERAL

March 20, 2019

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MAR 20 2019

SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Jontez Myrelle Ward
Appellate Case No: 2019-000295

Dear Ms. Kitchings:

Please accept this letter on behalf of the State in lieu of a formal return to Appellant's Motion for Reconsideration in the above appeal. In an order filed February 27, 2019, this Court dismissed the appeal because Appellant had failed to timely serve his *pro se* notice of appeal as required by Rule 203(b)(2) of the Appellate Court Rules. Aimee J. Zmroczek, Esquire, who now appears to have been retained to represent Appellant in this matter, has now submitted the instant Motion for Reconsideration on Appellant's behalf explaining:

Appellant proceeded *pro se* at the trial of this matter. Appellant received a guilty verdict. Appellant intended to appeal the guilty verdict however he was not allowed access to the law library at the South Carolina Department of Corrections and therefore did not have the knowledge of the requirement of serving the Notice of Appeal on the solicitor and the clerk of court for the county in which the trial took place.

Appellant has asked this Court to reinstate his appeal, arguing a failure to do so will violate his due process rights. Unfortunately, this Court has no jurisdiction over Appellant's case and therefore has no authority to reinstate his appeal. See *Hill v. South Carolina Dept. of Health and Environmental Control*, 389 S.C. 1, 21, 698 S.E.2d 612, 623 (2010) ("The service of a notice of appeal is a **jurisdictional requirement**, and the time for service may not be extended by this Court."); see also *Henning v. Kaye*, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992) ("[T]he South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.").

For these reasons, the State objects to the motion for reconsideration and respectfully requests that the request to reinstate his appeal be denied.

Sincerely,



J. Benjamin Aplin
Senior Assistant Deputy Attorney General
S.C. Bar No: 8729

cc: Alexander J. Ziegler, Esquire
Amie J. Zmroczek, Esquire
Robert M. Dudek, Esquire
Victim Advocacy Division

The South Carolina Court of Appeals

The State, Respondent,

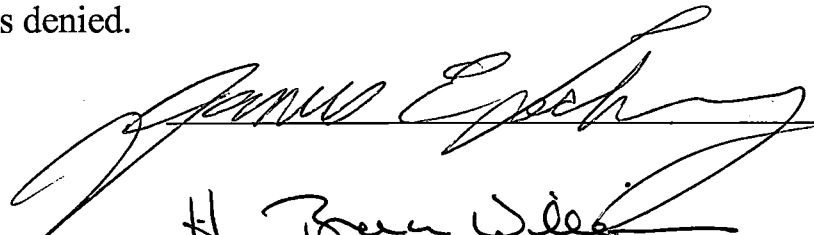
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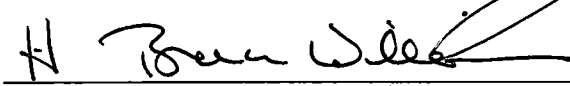
Jontez Myrelle Ward, Appellant.

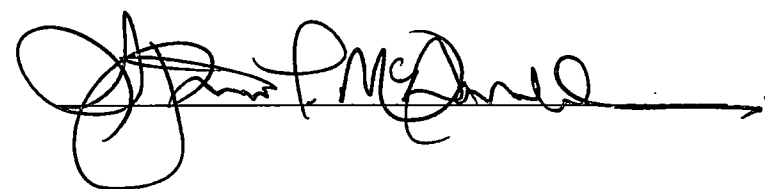
Appellate Case No. 2019-000295

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

 C.J.

 J.

 J.

Columbia, South Carolina

cc:
Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Alexander J. Ziegler, Esquire
Aimee Jendrzewski Zmroczek, Esquire
Robert Michael Dudek, Esquire

FILED

May 13, 2019