

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County Court of Common Pleas
The Honorable Kristi F. Curtis, Circuit Court Judge
The Honorable Daniel Coble, Circuit Court Judge

RECEIVED

Case No. 2024-CP-40-01737

APR 17 2025

CASE NO.

SC Court of Appeals

Alonzo C. Jeter, III,APPELLANT,

V

State of South Carolina; Alan McCrory Wilson;
Chelsey F. Marto; Joseph Derham Cole; J. Mark
Hayes, II; Ralph Keith Kelly; Brandy W. McBee;
Tonnya K. Kohn; Jean Hoefer Toal; Donald D.

Beatty,RESPONDENT.

MOTION FOR JUDICIAL NOTICE

Appellant, Alonzo C. Jeter, III, comes respectfully and moves the Court that it would take judicial notice of the following:

Albeit Appellant files a Notice of Appeal, seeking to appeal the final judgment decisions of the circuit court, Appellant has also filed motions in the lower court (Motion To Alter or Amend Judgment, Motion for Additional Facts and Findings, and Motion for Clarity) as well.

Appellant has found himself placed “in between a rock and a hard place” due to the failure of the lower court to provide a clear order of its judgment.

Specifically, Appellant brings to the attention of the Court that he filed a (1) Motion to Alter or Amend Judgment, and (2) Motion for a Hearing on the Rule 59(e), SCRCP, Motion to Alter or Amend Judgment; in the circuit court on September 30, 2024.

Swing v Swing, ___ S.C. ___, ___, S.E2d ___ (March 12, 2025) (“Party usually is free to file initial motion to alter or amend judgment without unnecessary concern that the motion will result in subsequent appeal being dismissed as untimely filed more than 30 days after written notice of entry of order or judgment appealed from.”)

However, Appellant also subsequently filed additional pleadings after filing the original Motion to Alter or Amend Judgment. Appellant filed (1) A Motion for Judicial Notice and an Addendum

to the Rule 59(e), SCRCF, Motion (on November 13, 2024), (2) Plaintiff's Renewed Motion for a Hearing On His Rule 59(e), SCRCF Motion (on January 27, 2025) , (3) Plaintiff's Motion To Amend Complaint (on January 27, 2025); (4) Plaintiff's Supplemental Motion To Alter or Amend Judgment (on January 31, 2025); and a (5) Motion For Relief From Judgment Order & Proceeding (on March 7, 2025).

Elam v South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004) (“[The Supreme Court of South Carolina] strive[s] to avoid an interpretation of procedural rules which routinely would place a party between the proverbial rock and a hard place.”)

Swing v Swing, ___ S.C. ___, ___, S.E.2d ___ (March 12, 2025) (“Civil procedure and appellate rules should not be interpreted to create a trap for the unwary lawyer [and, even more especially, the unwary pro se litigant].”)

Appellant, within his pleadings, did request the circuit court for leave to amend his complaint pursuant to Rule 15(b), SCRCF. Appellant, in support of his request, did inform the circuit court that he intended to assert public important and public interest as the exception to the required standing in the case.

Appellant did also request that if the circuit court would continue to maintain its position and determine that the action be dismissed, that the circuit court would make a specific ruling as to whether the dismissal is with or without prejudice. It is important that Appellant be made absolute of the court's dismissal with or without prejudice, as this provides Appellant notice and awareness as to whether he may re-file his Complaint and avoid any notion of res judicata, etc., or if Appellant's only recourse is to file an appeal to this Court.

The circuit court failed to make clear whether or not all of Appellant's pleadings have been reviewed, considered, and is therefore deemed adjudicated upon. The circuit court has also failed to make clear whether its dismissal is with or without prejudice.

Elam v South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004) (“[The] rules contemplate two basic situations in which a party should consider filing a Rule 59(e) motion. A party *may* wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party *must* file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.”); (“If a party is unsure whether he properly raised all issues and obtained a ruling, he must file a Rule 59(e) motion or an appellate court may later determine the issue or argument is not preserved for review. But in filing the motion, he may unwittingly forfeit the right to an appeal if an appellate court later determines the Rule 59(e) motion was unnecessary because he already had raised the issue and obtained a ruling.”) id

The Honorable Kristi F. Curtis presided over the initial hearing of the Defendants' motions to dismiss in this circuit court. As the Honorable Judge Curtis has now become a member of the judiciary within the South Carolina Court of Appeals – it seems that this case lying dormant

within the circuit court, was placed in the care of The Honorable Daniel Coble, Chief Administrative Judge for Common Pleas. The troubling matter is that Judge Coble's Form4 order of judgment fails to demonstrate that he has actually reviewed the case, motions and matters thereof.

This has effectively placed Appellant "between a rock and a hard place" because Appellant must ensure, for issue preservation purposes, that he brings to the circuit court's attention any perceived errors and any pleadings Appellant finds the circuit court has failed to acknowledge, address, and rule upon within its order of dismissal.

Elam v South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004) ("If a party is unsure whether he properly raised all issues and obtained a ruling, he must file a Rule 59€ motion or an appellate court may later determine the issue or argument is not preserved for review. But in filing the motion, he may unwittingly forfeit the right to an appeal if an appellate court later determines the Rule 59(e) motion was unnecessary because he already had raised the issue and obtained a ruling.")

Albeit Petitioner made motions, the motions were made *after* his filing of his original Rule 59(e) motion. The judge's FORM4 Order of dismissal only addresses and dismisses the "Motion to Reconsider", failing to specify whether original or subsequent and also failing to make rulings on subsequent motions.

Swing v Swing, ___ S.C. ___, ___, S.E2d ___ (March 12, 2025) ("The central point on which the question of whether a post-trial motion stays the 30-day deadline for appeal is not whether the motion was served within ten days of entry of the order or judgment, but whether the motion was inappropriately successive and thus procedurally improper.")

Elam v South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004)("[The Supreme Court of South Carolina]strive[s] to avoid an interpretation of procedural rules which routinely would place a party between the proverbial rock and a hard place.")

Swing v Swing, ___ S.C. ___, ___, S.E2d ___ (March 12, 2025) ("Civil procedure and appellate rules should not be interpreted to create a trap for the unwary lawyer [and, even more especially, the unwary pro se litigant].")

Importantly, as there is no order addressing Appellant's motions which provide specific facts, findings, and conclusions of law as to *why* Appellant's motions were denied – this Court is unable to know the mind of the circuit court and its thoughts and reasonings for arriving at its conclusions. This deprives Appellant of a meaningful appeal because this provides this Court no thoughts and reasonings of the circuit court to review. Rather, if anything, it would cause this Court to become the court of *first view* of the motions and matters rather than a court of *review* of the motions and matters.

CONCLUSION

WHEREFORE, Appellant prays that this Court would remand this case back to the circuit court for the circuit courts detailed rulings on all issues, motions, and matters, of the case which provides by way of a formal order the full concepts of the circuit court's thoughts and reasonings, facts, findings, and conclusions of law as to why and how it arrived at its determinations. *In addition, that Appellant would be allowed to file an amended Complaint without costs for service nor other fees and for refile summary Complaint without costs for filing fees, revivie of process nor other fees.*

Respectfully submitted,



Alonzo C. Jeter, III
APPELLANT / pro se

Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, South Carolina 29010

This 14th day of April, 2025.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Richland County Court of Common Pleas
The Honorable Kristi F. Curtis, Circuit Court Judge
The Honorable Daniel Coble, Circuit Court Judge

RECEIVED
APR 17 2025
SC Court of Appeals

Case No. 2024-CP-40-01737

CASE NO.

Alonzo C. Jeter, III,APPELLANT,

V

State of South Carolina; Alan McCrory Wilson;
Chelsey F. Marto; Joseph Derham Cole; J. Mark
Hayes, II; Ralph Keith Kelly; Brandy W. McBee;
Tonnya K. Kohn; Jean Hoefer Toal; Donald D.

Beatty,RESPONDENT.

CERTIFICATE OF MAILING AND SERVICE

I, Alonzo C. Jeter, III, an inmate confined in an institution, hereby certify under penalty of perjury under the laws of the United States of America that I have mailed the (1) Notice of Appeal (2) Motion To Proceed In Forma Pauperis and Memorandum In Support, (3) Affidavit of Good Faith, and (4) Motion for Judicial Notice; to the South Carolina Court of Appeals and the Richland County Clerk of Court; and that I have also served a copy of the same on the Defendants; by placing an original and a copy inside of envelopes and by placing the said envelopes in possession of Lee Correctional Institution's mailroom personnel by depositing into the institution's internal mailing system on this 14th day of April, 2025, for mailing via the United States Postal Service, (first-class postage was prepaid either by me or by the institution on my behalf), addressed as follows:

Office of the Court, South Carolina Court of Appeals, Post Office Box 11629, Columbia South Carolina 29211; Office of the Clerk, Richland County Judicial Center, 1701 Main St., Post Office Box 2766, Columbia South Carolina 29201; J. Emory Smith, Jr., Deputy Solicitor General, Office of the Attorney General, Post Office Box 11549, Columbia South Carolina 29211; L. David Leggett, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia South Carolina 29211;

I declare under penalty of perjury that the foregoing is true and correct.

S/ 
Alonzo C. Jeter, III

April 14, 2025

Alonzo C. Jeter, III, #282902
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, South Carolina

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

RECEIVED

APR 17 2025

SC Court of Appeals

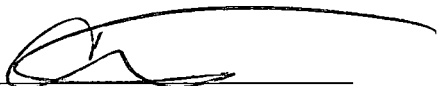
RE: Alonzo C. Jeter, III v State of South Carolina et al
Case No _____

Dear Ms. Kitchings:

Enclosed for filing, please find the (1) Notice of Appeal (*with attached Orders for Appeal*), (2) Motion To Proceed In Forma Pauperis and Memorandum In Support, (3) Affidavit of Good Faith, (4) Motion for Judicial Notice, and (5) Certificate of Mailing and Service.

Please find also enclosed, an additional copy of the same along with a self-addressed stamped envelope ("SASE"). Please return to me, by way of this SASE, filed-stamped copies of these said documents.

Thank you for your assistance in this matter.

Sincerely, 
Alonzo C. Jeter, III

CC: (without attachments)
Richland Clerk of Court
J. Emory Smith
L. David Leggett

FILE

LEE CUNMATH



Alonzo C Jeter, III, #282902
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, South Carolina 29010

RECEIVED

APR 17 2025

SC Court of Appeals

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

