

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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**Aug 20 2025**

**SC Court of Appeals**

APPEAL FROM RICHLAND COUNTY  
Court Of Common Pleas  
Circuit Court Case No. 2024CP4001737

The Honorable Kristi Curtis, Circuit Court Judge

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Appellate Case No.2025 - 000762

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Alonzo C. Jeter, III, .....Appellant,

v.

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

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**REPLY OF STATE AND ATTORNEY GENERAL TO APPELLANT'S  
RETURN TO THEIR MOTION TO STRIKE APPELLANT'S INITIAL BRIEF  
INCLUDING ABEYANCE REQUEST**

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Attorney General Wilson and the State of South Carolina submit this brief reply to Appellant's Return to their Motion to Strike his brief and designation, subject to their Motion for Leave to file this reply one day out of time. As requested in their Motion to Strike, they ask that the filing deadlines for their Initial Brief and Designation be held in abeyance. They also request that the abeyance be extended to any deadlines for their initial brief and designation in response to Appellant's amended initial brief and designation should this Court accept Appellant's filings

**APPELLANT'S DESIGNATION**

As to Appellant's Designation, Appellant mostly agrees with the Respondents' objections

with two exceptions. He correctly notes that he did submit a Motion to Amend the Complaint on January 27, 2025, after the Court dismissed his action but before denying his Motion to Reconsider. He states that he did submit a Motion for Judicial Notice of Transcript and a copy of the transcript on May 12, but this filing and the letter he submitted to the circuit court on June 5, 2025, came well after the March 18, 2025, Order denying his Motion to Reconsider and his Notice of Appeal filed April 17. Accordingly, because the circuit court dismissed the case and the notice of appeal had been filed, the lower court had no jurisdiction to consider those filings. Rule 205, SCACR; *Maybank 2754, LLC v. Zurlo*, 444 S.C. 47, 68, 906 S.E.2d 94, 105 (Ct. App. 2024), reh'g denied (Sept. 17, 2024), cert. denied (Apr. 22, 2025) (“The notice of appeal divests the circuit court of jurisdiction over the matter on appeal, but the circuit court retains the power to proceed with matters not affected by the appeal.”).

#### **APPELLANT’S INITIAL BRIEF**

As to the brief, Appellant refers to his amended initial brief but asks the Court to take judicial notice of various other documents and says that he will mention them in his amended brief. “[O]riginal judicial notice of adjudicative facts at the appellate level should be limited to matters which are indisputable.” *Masters v. Rodgers Dev. Grp.*, 283 S.C. 251, 256, 321 S.E.2d 194, 197 (Ct. App. 1984). The documents Appellant references are not “indisputable” with the exception of a Supreme Court Order of October 13, 2023, in another case. The other documents are his own personal filings and a transcript in another case that has not been produced for evaluation as to whether it has disputed matter. His referencing these documents in any filings in the circuit court is insufficient if they were not filed with or accepted by that court. His second motion to reconsider filed on April 7 was successive and was not properly before the circuit court. *Collins Music Co. v. IGT*, 353 S.C. 559, 563, 579 S.E.2d 524, 525 (Ct. App. 2002). (“[A] second motion for

reconsideration is appropriate only if it challenges something that was altered from the original judgment as a result of the initial motion for reconsideration.”). The Order denying his initial motion to reconsider was a Form 4 Order that did not change the prior Order of dismissal.

### **CONCLUSION AND REQUEST FOR HOLDING DEADLINES IN ABEYANCE**

For these reasons, the Respondents respectfully request that their Motion to Strike be granted in full except they agree to the designation of the January 27, 2025, Motion to Amend. They ask that their request to hold deadlines in abeyance for filing their initial brief and designation be granted as to Appellant’s current brief and designation and also extended to Appellant’s amended brief and amended designation, should the Court accept those filings despite his failing to submit a motion for leave to file. The Respondents reserve their right to move to strike the amended brief and designation following review.

Respectfully submitted,

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ATTORNEYS FOR THE STATE AND ATTORNEY  
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