

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
Circuit Case No. 2024-CP-40-01737

RECEIVED
SEP 15 2025
SC Court of Appeals

APPELLATE CASE NO. 2025-000762

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.

**REPLY TO INITIAL BRIEF OF RESPONDENTS CHELSEY F. MARTO, JOSEPH
DERHAM COLE, MARK J. HAYES, II, RALPH KEITH KELLY, BRANDY W.
MCBEE, TONNYA K. KOHN, JEAN HOEFER TOAL, DONALD W. BEATTY**

Alonzo C. Jeter, III, #282902

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

APPELLANT *PRO SE*

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Appellant, Alonzo C. Jeter, III, comes respectfully hereby and makes a Reply the Initial Brief of Respondents Chelsey F. Marto, Joseph Derham Cole, Mark J. Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefler Toal, and Donald W. Beatty.

Appellant received notice and copy of the Initial Brief of these Respondents on September 2, 2025, by and through Lee Correctional Institution's Legal Mail System.

APPELLANT HAS NOT ABANDONED ANY ARGUMENT

The Respondents contend Appellant has abandoned argument regarding the dismissal of the Individual Defendants. Appellant disagrees. The circuit court's order provided no more than a drive-by statement as to any notion of the Respondents individually. The circuit court's order rather focused on other matter. Appellant fully addressed all matters contained within the lower court's order of dismissal.

S.C. Code Ann. § 15-53-80, states as follows:

“When declaratory relief is sought all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.”

THE DISMISSAL OF ACTION WAS NOT BASED ON INDIVIDUALITY

The Respondents would like this Court to believe that the “Individual Defendants are not proper parties to this case” and thus were dismissed from this case. (Resp. Init. Brief Pg.6)

The Respondent further contend that Appellant does not clearly contest the dismissal of the Individual Defendants in his brief, and thus Appellant has abandoned the issue.

Importantly, however, the September 13, 2024, Order of Dismissal – albeit it determined that Plaintiff failed to state a cause of action against any of the defendants; the Court/Court's Order based this determination on the following factors alone:

- a) Res Judicata and any applicable Statutes of Limitations (Rule 12(b)(6)
(Page 5 of the Order of Dismissal)
- b) Not otherwise Stated a Cause of Action Against the Defendants

Res Judicata and Statute of Limitations

Plaintiff has sufficiently stated within his Initial Brief why the lower court's determination as to any applicability of res judicata and the statute of limitations was improper. To repeat the same here once more would be redundant in nature and is unnecessary as the Appellant's Initial Brief fully addresses this.

Not *Otherwise* Stated a Cause of Action Against the Defendants

In this portion of the Order of Dismissal, the Order states, “*The same failures of Plaintiff’s Complaint noted above* also underscore that he has failed to state a cause of action against any of the Defendants. Plaintiff states no valid claim for relief against any of the defendants *for the above reasons.* (emphasis added) (Page 6 of the Order of Dismissal)

In effort to gain an understanding of what the Respondents are leaning upon to put forth such a defense, Appellant is forced to look *above* within the Order of Dismissal at its reasons for its determinations. In doing so, Plaintiff looks to page 4 of the Order of Dismissal as it states, “Of course, none of the Defendants may be compelled to disregard the rules and orders of the Supreme Court. Although several defendants are judges, including the Chief Justice, they cannot be compelled to overturn rules and issue scheduling orders – via a declaratory judgment suit.

The Order and the Respondent would seek to have this Court mix the concepts of a Petition for *Mandamus* with the concepts of a Petition for *Declaratory Judgment*. In demonstrating its misconception, (or in its attempt to reframe Appellant’s arguments and pleadings), the Order and Respondent cites to, for supportive authority, *City of Rock Hill v Thompson*, 349 S.C. 197, 200, 563 SE2d 101, 103 (2002) (“Issuance of a particular decision by a judge is typically a matter of discretion and, therefore, not proper for mandamus.”)

Contrary to Respondents’ assertion that Plaintiff has not refuted the Court’s determination in this regard, Appellant has clearly refuted the lower court’s assertions and its reasons for dismissal. The Respondent attempts to lean upon its drive-by statement and now, within its Initial Brief, would seek to now focus and concentrate on the notion of “Individual Defendants.”

The lower court’s order does not make any reference of the “Individual Defendants” *not being proper parties*. The closest the lower court’s order comes to making any similar statement is on page 5 of the Order dismissal under its heading “Plaintiff has failed to state a cause of action against any of the defendants.” Notwithstanding this heading, the Order itself, analysis, nor determination did not provide any supportive statements which relate to this.” Rather the lower court’s order discusses and leans upon res judicata, statute of limitations, and further states that “*otherwise*”, that is, if Appellant cannot defeat res judicata, statute of limitations, and show why the avenue of a post-conviction relief application was not the proper way to raise such claims – then Appellant would have then failed to state a cause of action.

Importantly, Appellant continually emphasized within his pleadings that he was not seeking to petition the court for mandamus relief. In other words, Appellant continually emphasized that he was not asking the Court to force any of the Defendants to perform any action. Rather, Appellant sought that the Court would declare whether or not the actions of the Defendants were constitutional and whether or not the Administrative Order, which was put in place by Defendant, Former Chief Justice Jean Hoefler Toal, was constitutional or being unconstitutionally carried out/applied. In other words Appellant emphasized he sought a determination - Declaratory Relief.

City of Rock Hill v Thompson, 349 S.C. 197, 200, 563 SE2d 101, 103 (2002) (“A writ of mandamus is a coercive writ that orders a public official to perform a ministerial duty.”) (citing Willimon v Greenville, 243 S.C. 82, 132 SE2d 169 (1963))

Appellant did also emphasize that he had not asked the circuit court to issue a statewide scheduling order, nor overrule Supreme Court precedent. The Respondents and the Order of Dismissal reframes Appellants pleadings and thus erroneously dismissed Appellant’s action on similar notions and statements which clearly reflect its reframing such as:

“Neither the PCR Act nor an order of the Supreme Court give the circuit court the authority to issue a statewide scheduling order, to schedule matters outside a pending PCR proceeding or to overturn the 2008 Order of the Chief Justice.” (page 4 of the Order of Dismissal)

“[N]o circuit court has the authority to overrule [Supreme Court] precedent.” (page 4 of the Order of Dismissal)

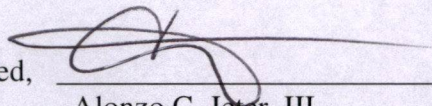
“In particular, the Supreme Court has express authority to issue administrative orders for the Court system [] and to issue rules for the purpose of post-conviction proceedings[.]” (page 5 of the Order of Dismissal)

Finally, the circuit court in stating why it determined that it lacked subject matter jurisdiction, expressed that it “lacks authority to overturn rules and administrative orders of the Supreme Court or to issue statewide scheduling orders.” (page 5 of the Order of Dismissal)

CONCLUSION

As the circuit court’s order did not specifically provide nothing more than a drive-by statement as to stating a cause of action against the Respondents, Appellant has not failed to address the circuit court’s order and has not waived any argument. WHEREFORE, because Appellant has fully and thoroughly addressed the circuit courts order, determinations, and have clearly shown the lower’s court’s errors according to law; for these reasons, the circuit court’s decision should be REVERSED.

Respectfully submitted,



Alonzo C. Jeter, III
APPELLANT / pro se

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

This 5th day of September, 2025
Bishopville, South Carolina

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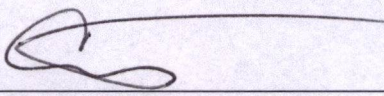
CERTIFICATE OF MAILING AND SERVICE

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) *Reply To Initial Brief Of Respondents 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*, (2) *Designation*, and (3) *Appellant's Sur-Reply To The State And Attorney General's Reply To Appellant's Return To The State And Attorney General's Motion To Strike Appellant's Initial Brief And Designation*; to the South Carolina Court of Appeals 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 5th day of September, 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; J. Emory Smith, Jr., General Counsel, 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.
28 U.S.C. §1746; 18 U.S.C. §1621

Brown v Powell, 187 F3d 628 (4th Cir. 1999); Johnson v Fogan, No. 23-6771 (4th Cir. 2023); Mose v State, 420 SC 500, 803 SE2d 718 (2017)

S/ 
Alonzo C. Jeter, III

September 5th, 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

RE: Alonzo C. Jeter, III v State of South Carolina et al - Appellate Case No: 2025-000762

Dear Honorable Clerk:


Enclosed for filing, please find the (1) *Reply To Initial Brief Of Respondents 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*, (2) *Designation*, and (3) *Appellant's Sur-Reply To The State And Attorney General's Reply To Appellant's Return To The State And Attorney General's Motion To Strike Appellant's Initial Brief And Designation* and (4) a *Certificate of Mailing and Service* regarding the same.

Enclosed also, please find an additional copy of these documents along with a self-addressed stamped envelope (SASE).

Please return to me file-stamped copies of these documents by way of the provided SASE.

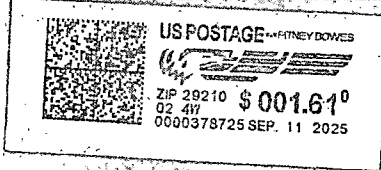
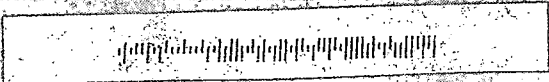
Thank you for your assistance in this matter.

Sincerely,


Alonzo C. Jeter, III

CC: J. Emory Smith
L. David Leggett
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