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SC Court of Appeals

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

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.

**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**

Appellant, Alonzo C. Jeter, III, comes respectfully hereby and makes a Sur-Reply to the State and Attorney General’s Reply to Appellant’s Return to the State and Attorney General’s Motion to Strike, dated August 202, 2025. Appellant received notice and copy of this Reply on August 26, 2025, by and through Lee Correctional Institution’s Legal Mail System.

**APPELLANT’S DESIGNATION**

The State and Attorney General concede that it is proper that Appellant include his January 27, 2025, Motion to Amend within his Designation of Matter to be Included in the Record on Appeal.

However, on pg. 2 of the State and Attorney General’s Reply, the Respondents contend that Appellant’s Motion for Judicial Notice of Transcript (Transcript of Appellant’s 2019 proceeding) and Appellant’s filing of a copy of the that transcript – both which occurred on May 12, 2025, were untimely submitted to the lower court.

Importantly, in support of the Respondents' assertion, it leans upon the fact that the lower court issued a "Mother Hubbard" Form 4 Order dated March 18, 2025, which denied Appellant's *Motion to Reconsider* and Appellant subsequently filed a Notice of Appeal on April 17, 2025.<sup>1</sup> Because of this, the Respondents contend the lower court had no jurisdiction to consider Appellant's subsequent filings.

In support of its contention, the State and Attorney General cite *Maybank 2754, LLC v Zurlo*, 444 S.C. 47, 68, 906 SE2d 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 would emphasize *Zurlo* does support Appellant's contention that the lower court did retain jurisdiction to entertain Appellant's motions which were filed subsequently to the lower court's issuance of its Mother Hubbard Form 4 Order and Appellant filing his Notice of Appeal.

Indulgence should be given to the fact that Appellant emphasized that he filed the Notice of Appeal due to the fact that he had been placed "between a rock and a hard place" due to (1) the lower court's failure to clarify whether or not it considered all of Appellant's timely filed motions which remained pending (e.g. Motion to Amend Complaint, Motion for a Hearing, etc.), and (2) the lower court's failure to clarify whether or not the case had been dismissed with or without prejudice.

Appellant's Motion to Alter and Amend Judgment and Motion For Additional Facts and Findings and Motion For Clarification which he timely filed with the lower court on April 14, 2025, was not a successive post-trial motion, as Appellant did not present the same questions which were presented within his motions prior to the issuance of the Mother Hubbard Form 4 motion.<sup>2, 3</sup>

See also, Appellant's Motion For Judicial Notice which he filed in the South Carolina Court of Appeals on April 17, 2025, at the same time that he filed his Notice of Appeal

*Holmes v East Cooper Community Hospital, Inc.*, 408 S.C. 138, 758 SE2d 483 (2014) ("[T]he filing of a notice of appeal does not deprive the circuit court of jurisdiction to consider a timely post-trial motion.")

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<sup>1</sup> Appellant did not receive notice and copy of this Form 4 Order until April 2, 2025, due to the fact the Richland County Clerk of Court's Office mailed this order to Evans Correctional Institution rather than to Lee Correctional Institution – and thus the order had to be forwarded to Lee from Evans.

<sup>2</sup> Lee Correctional Institution was on lock-down from April 10<sup>th</sup> to April 14<sup>th</sup> due to the SCDC precautionary measures associated with the preparations and carrying out the death penalty execution of Mikal Mahdi which occurred on April 11, 2025.

<sup>3</sup> Appellant provided the Office of the Richland County Clerk of Court Notice of Change of Mailing Address on November 12, 2024, along with Motion for Judicial Notice & Addendum to Rule 59(e), SCRCP, motion.

## APPELLANT'S INITIAL BRIEF

Importantly the matters discussed within Appellant's Motion to Strike Appellant's Initial Brief and Designation are substantially intertwined with the matters of the case at bar. In other words, it seems as though the Respondent makes an attempt to litigate some of the merits of the case at bar within and by way of the Motion to Strike. Appellant seeks the process which is due to him to be allowed to fully brief this case on the merits thereof.

The issues which are subject of this brief, as posited, are substantially intertwined with the merits of the case at bar and the circumstances of this case are akin to the recent U.S. Supreme Court's holding in *Perttu v Richards*, 605 U.S. 460, 145 Sct 1793 (June 18, 2025) (finding a hearing on the matter is necessary when the issue is intertwined with the merits of a claim within the case subjudice)

The State and Attorney General would have this Court to make the error in conflating the concepts of taking judicial notice of documents and taking judicial notice of adjudicative facts. In doing so, they argue that the documents Appellant reference are not "indisputable." However, Appellant disagrees as the documents, although they are personal filings – the "view" to those documents are simply to display that Appellant had in-fact submitted such filings and that such filings does mute the Respondents' and lower court's notions that Appellant should have or could have raised the issued at a prior time and within other forums.

The Respondents argue that the transcript of Appellant's 2019 proceeding has not been produced for evaluation as to whether it has disputed matter. Appellant would argue there is nothing to dispute. Either Appellant has raised or attempted to raise the issues he raises in the case at bar on a prior occasion or not. The transcripts are certified by the Court Reporter and are an official record of the 2019 proceeding.

Citing, *Collins Music Co, v IGT*, 353 S.C. 559, 563, 579 SE2d 524, 525 (2002), the Respondents assert that Appellant's motion to alter or amend judgment and for additional facts, findings and clarification was successive and therefore was not properly before the circuit court. ("[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.") *id.*

The Respondents argue the "Mother Hubbard" Form 4 Order denying Appellant's initial motion to reconsider did not change the prior Order of dismissal and thus any post-trial motion Appellant filed after the issuance of the Form 4 order was an improperly successive motion. Again, the Respondents would have this Court to mix concepts. Appellant's motion filed after the issuance of the Form 4 Order was in effort to receive clarity of what the Form 4 Order encompassed (e.g. Did it encompass Appellant's motion to Amend the Complaint? Did it encompass Appellant's request to know if the order deemed the action dismissed with or without prejudice, etc.) As such, the motion(s) were neither successive nor improper.

Within the Respondents' prayer for relief the Respondents state that "should the Court accept [Appellant's Amended Brief and Amended Designation,] d[e]spite his failing to submit a motion for leave to file [ , t]he Respondents reserve their right to move to strike the amended brief and designation following review."

Appellant submitted his Amended Brief and Amended Designation as a proffer – should the Court ultimately find that Appellant must amend his brief and designation. This case and matters thereof are novel and does present several irregularities.

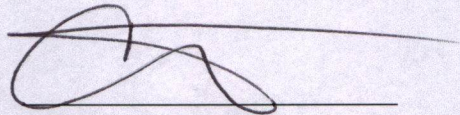
The Respondents are attempting to litigate this case within a motion rather than through briefing. Most troubling is the fact that the Respondents would rest in placing so much effort to wipe the Record clean of any evidence of its errors and past gamesmanship with regard to the matters of the case.

### CONCLUSION

For these reasons, Appellant seeks that the Court would apply reasonableness and understanding that the Appellant did present pleadings to the lower Court and thus Appellant's designation and briefing which mentions these pleadings are proper before this Court.

In the alternative, Appellant would request that this Court remand this case back to the lower court and compel the lower court to make rulings on Appellant's outstanding motions and pleadings which were ignored.

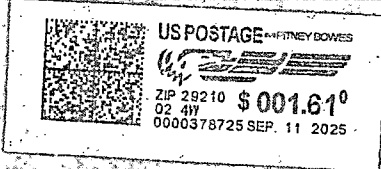
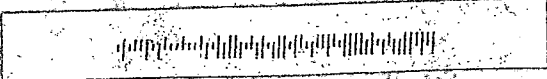
Respectfully submitted,



Alonzo C. Jeter, III  
**APPELLANT / pro se**

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

This 5<sup>th</sup> day of September, 2025  
Bishopville, South Carolina



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The Honorable Jenny A. Kitchings  
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