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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 Hoefer Toal; Donald W. Beatty, ...RESPONDENT.

RECORD ON APPEAL

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APPELLANT - *PRO SE*

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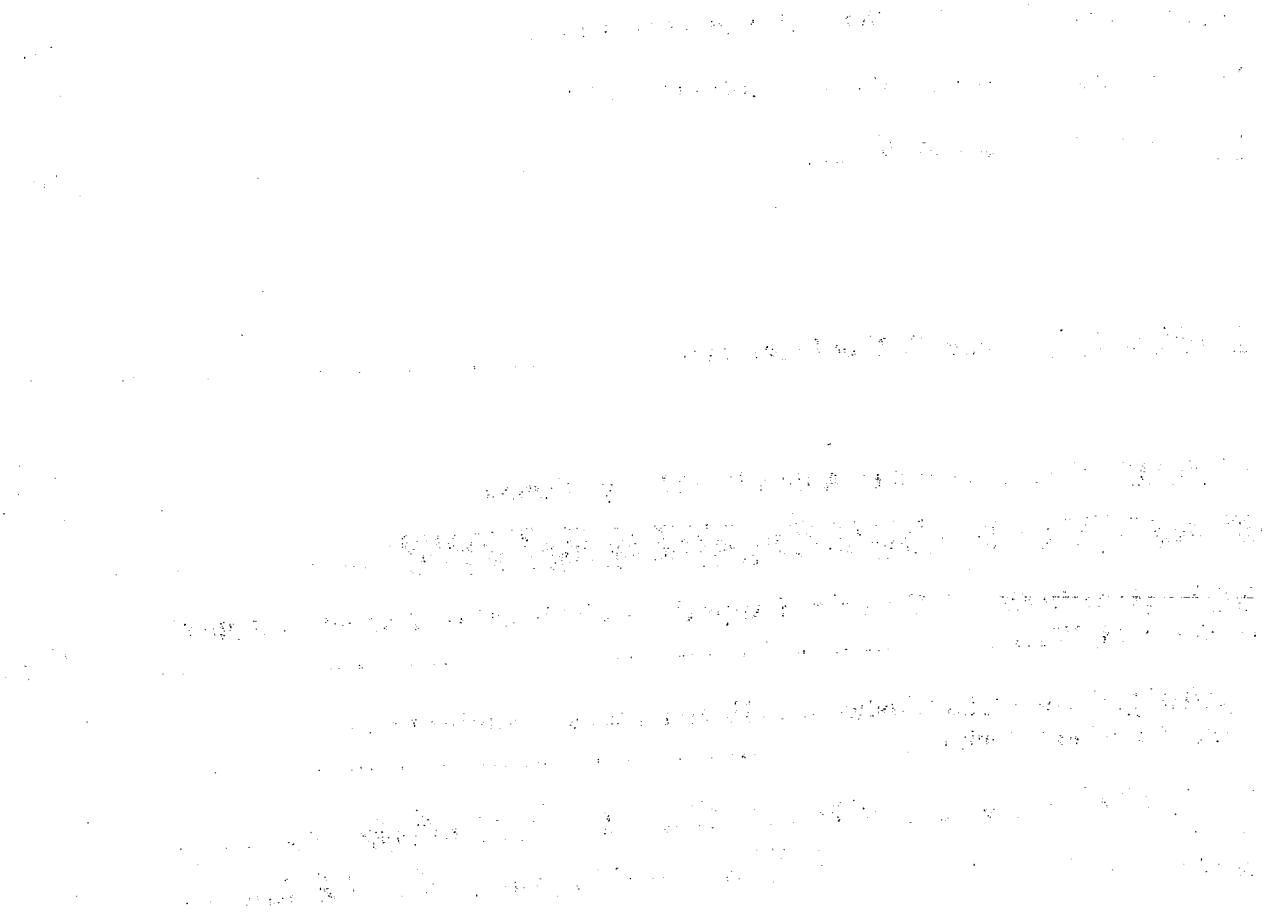
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1

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF COMMON PLEAS**
	)	**FIFTH JUDICIAL CIRCUIT**
COUNTY OF RICHLAND	)	**2024-CP-40- 01737**
Alonzo C. Jeter, III,	)	
Plaintiff,	)	**ORDER OF RULING**
-vs-	)	**(formal Order to follow)**
State of South Carolina, et al.	)	
Defendants.	)	

RICHLAND COUNTY FILED 2024 JUL 30 PM 3:17 JEANETTE W. McBRIDE

This matter comes before the Court upon Defendants' Motions to Dismiss, which were heard via WebEx on June 13, 2024. At the conclusion of the hearing the court took the matter under advisement and gave Plaintiff thirty days in which to file any additional memoranda or documents in opposition to the Motions to Dismiss.

After considering the arguments for and in opposition to the Motions to Dismiss, the Motions are GRANTED. Attorneys for the Defendants shall prepare a formal Order of Dismissal consistent with the Defendants' respective Memoranda in Support of the Motions for the Court's review and signature.

AND IT IS SO ORDERED.

Kristi Curtis

Kristi Curtis, Circuit Court Judge

July 18, 2024
Sumter, SC

2

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Alonzo C. Jeter, III, Plaintiff, *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 Hoefer Toal, Donald W. Beatty, Defendants.	IN THE COURT OF COMMON PLEAS IN Civil Action No. 2024CP4001737 **ORDER OF DISMISSAL**

This matter has come before this Court pursuant to Motions to Dismiss filed by the Defendants State of South Carolina and Alan McCrory Wilson (State and AG) and the remaining Defendants (Individual Defendants). Plaintiff's Complaint asks this Court to issue an order with multiple provisions for the scheduling of post-conviction relief proceedings and the appointment of counsel in them. Defendants contend that, pursuant to Rules 12(b)(1) and (6), SCRCP, this Court lacks subject matter jurisdiction, and Plaintiff has failed to state facts sufficient to constitute a cause of action.

This Court held a hearing regarding these motions via WebEx on July 13, 2024. Counsel appeared in support of their motions, and Plaintiff, *pro se*, was present also. At the hearing, Mr. Jeter claimed that he did not receive sufficient notice of the hearing to prepare. This Court gave him additional time to submit any other material he wanted the Court to consider. He has now done so, and the documents he has submitted do not change the result in this case. Mr. Jeter's action still fails for the following reasons.

BACKGROUND

Plaintiff has not brought this action in accordance with an application for post-conviction relief. Although he refers to a prior application, *Jeter v. State*, 2019CP1100457, that action has ended. It was dismissed on August 30, 2021, by the Honorable Derham Cole, for successiveness, for res judicata and for failure to establish a prima facie case of newly discovered evidence. On April 29, 2022, the court denied Plaintiff's Motion to Alter or Amend made on multiple grounds including the failure to appoint counsel or to grant him an evidentiary hearing. The Supreme Court dismissed his appeal and denied rehearing on October 28, 2022.

STANDARD OF REVIEW

Pursuant to Rule 12(b)(1) of the South Carolina Rules of Civil Procedure, a defendant may move to dismiss a complaint for lack of subject matter jurisdiction. "Subject matter jurisdiction is 'the power to hear and determine cases of the general class to which the proceedings in question belong.' " *Dove v. Gold Kist, Inc.*, 314 S.C. 235, 237-38, 442 S.E.2d 598, 600 (1994) (quoting *Bank of Babylon v. Quirk*, 192 Conn. 447, 472 A.2d 21, 22 (1984)). Lack of subject matter jurisdiction may be raised at any time and may be raised for the first time on appeal. *Linda Mc Co., Inc. v. Shore*, 390 S.C. 543, 557, 703 S.E. 2d 499, 506 (2010). "The question of subject matter jurisdiction is a question of law." *Id.* at 551, 703 S.E.2d at 503 (quoting *Porter v. Labor Depot*, 372 S.C. 560, 567, 643 S.E.2d 96, 100 (Ct. App. 2007))." *Gantt v. Selph*, 423 S.C. 333, 337–38, 814 S.E. 2d 523, 525–26 (2018).

Pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a defendant may move to dismiss a complaint when the defendant demonstrates that the plaintiff has failed to allege facts sufficient to establish a cause of action. Rule 12(b)(6), SCRCP. *See Williams v. Condon*, 347

S.C. 227, 233, 553 S.E.2d 496, 500 (Ct. App. 2001). A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true. *Gressette v. S.C. Elec. & Gas Co.*, 370 S.C. 377, 378-79, 635 S.E.2d 538, 538 (2006); *Disabato v. S.C. Ass'n of Sch. Adm'rs*, 404 S.C. 433, 441, 746 S.E.2d 329, 333 (2013).

I

THIS COURT LACKS SUBJECT MATTER JURISDICTION OF THIS CASE (Rule 12(b)(1))

"South Carolina courts, like the federal courts, require a justiciable case or controversy before any decision on the merits can be reached. *See Waters v. South Carolina Land Resources Conservation Comm'n*, 321 S.C. 219, 467 S.E.2d 913 (1996); *Crocker v. Barr*, 303 S.C. 1, 397 S.E.2d 665 (Ct.App. 1990) (Goolsby, J., concurring), rev'd on other grounds, 305 S.C. 406, 409 S.E.2d 368 (1991)." *Lennon v. South Carolina Coastal Council*, 498 S.E.2d 906, 908, 330 S.C. 414, 417-18 (S.C.App., 1998). Plaintiff has alleged no justiciable controversy that this Court has subject matter jurisdiction to address because he lacks standing.

A

PLAINTIFF LACKS STANDING

> The principle of standing under the United States Constitution is "an essential and unchanging part of the case-or-controversy requirement of Article III." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). The Supreme Court has provided a three-part test to establish standing: First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical,' " Second, there must be a causal connection between the injury and the conduct complained of the injury has to be "fairly ... trace[able] to the challenged action of the defendant, and not ... th[e] result [of] the independent action of some third party not before the court." Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." *Lujan*, 504 U.S. at 560–61 (internal citations omitted).

ATC S., Inc. v. Charleston Cnty., 380 S.C. 191, 195-96, 669 S.E.2d 337, 339 (2008).

Plaintiff fails to meet these standards because he has not raised this issue pursuant to a current application for post-conviction relief. His prior action has ended. Therefore, he has no "injury in fact," and even if he did, it would not be "likely" to be "redressed by a favorable decision" because this Court lacks the authority to overrule the Supreme Court's rules or orders. *See infra.* 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. *See, eg. City of Rock Hill v. Thompson*, 349 S.C. 197, 200, 563 S.E.2d 101, 103 (2002)("Issuance of a particular decision by a judge is typically a matter of discretion and, therefore, not proper for mandamus.").

B

THIS COURT LACKS AUTHORITY TO ISSUE STATEWIDE SCHEDULING ORDER OR OVERRULE THE RULES AND ORDERS OF THE SUPREME COURT

Scheduling and the appointment of counsel are governed by the Uniform Post-Conviction Relief Act, S.C. Code Ann. §17-1-10, *et seq.*, including §17-27-70 which provides for summary dismissal when appropriate, and Rule 71.1, SCACR which provides that counsel should be appointed only when a hearing is required. In particular, Plaintiff challenges an order of former Supreme Court Chief Justice Toal of October 6, 2008, for the appointment of counsel. 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.

This Court can certainly take notice that the Supreme Court of South Carolina is the highest court in this state. As such, no circuit court has the authority to overrule its precedent. The "court

[of appeals] lacks the authority to rule against prior published precedent from our supreme court, but is bound by the decisions of the supreme court. See S.C. Const. art. V, § 9 ("The decisions of the Supreme Court shall bind the Court of Appeals as precedents.")." *State v. Cheeks*, 400 S.C. 329, 342, 733 S.E.2d 611, 618 (Ct. App. 2012), aff'd as modified, 408 S.C. 198, 758 S.E.2d 715 (2014). Although *Cheeks* based its holding on an express constitutional provision, clearly the same rule applies to the circuit courts. In fact, a party cannot even argue against precedent in an oral argument to an appellate court absent permission. Rule 217, SCACR. In particular, the Supreme Court has express authority to issue administrative orders for the Court system, S.C. Const. art. V, § 4[1], and to issue rules for the purpose of post-conviction proceedings, §17-27-110.

Because this Court lacks authority to overturn rules and administrative orders of the Supreme Court or to issue statewide scheduling orders, it lacks subject matter jurisdiction of this case.

II

PLAINTIFF HAS FAILED TO STATE A CAUSE OF ACTION AGAINST ANY OF THE DEFENDANTS

A

This Action Is Barred By Res Judicata And Any Applicable Statutes Of Limitation (Rule 12(b)(6))

Because Plaintiff either raised or could have raised issues in this proceeding in the 2019 case he references, he is barred now from asserting them in the instant suit. Res judicata bars subsequent actions by the same parties when the claims arise out of the same transaction or

[1] As stated in art. V, §4: "The Chief Justice of the Supreme Court shall be the administrative head of the unified judicial system. . . . The Supreme Court shall make rules governing the administration of all the courts of the State. Subject to the statutory law, the Supreme Court shall make rules governing the practice and procedure in all such courts. . . ."

occurrence that was the subject of a prior action between those parties. *Judy v. Judy*, 393 S.C. 160, 172, 712 S.E.2d 408, 414 (2011)("Under the doctrine of res judicata, '[a] litigant is barred from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit.'").

This action is also time barred as to the conviction that was the subject of the 2019 application. S.C. Code Ann. § 17-27-45 "(A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.").[2]

B

Plaintiff Has Not Otherwise Stated a Cause of Action Against the Defendants

The same failures of Plaintiffs 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. Therefore, this action must be dismissed. *Cole Vision Corp. v. Hobbs*, 394 S.C. 144, 149, 714 S.E.2d 537, 539 (2011)("The question [for a Rule 12(b)(6) motion] is whether, in the light most favorable to the plaintiff and with every doubt resolved in his behalf, the complaint states any valid claim for relief.").

---

[2] The Uniform Post-Conviction Procedure Act takes the place of all other remedies to challenge the validity of a conviction or sentence. S.C. Code Ann. §17-27-20(B) ("Except as otherwise provided in this chapter, it comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them."). Therefore, to the extent that this case would have the effect of challenging or undermining the validity of his criminal conviction, this action should be dismissed pursuant to Rule 12(b)(6). Of course, this suit is also time barred under the PCR Act.

8

CONCLUSION

For the foregoing reasons, the Motions to Dismiss are granted and this case is dismissed.

AND IT IS SO ORDERED.

Kristi Curtis
Circuit Court Judge

~~August~~ Sept. 5, 2024, 2024

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2024 CP-40-01737

Alonzo C. Jeter III # 282902 — PLAINTIFF(S)

State of South Carolina, et al — DEFENDANT(S)

Submitted by: the Court	**Attorney for :** ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT**. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

RICHLAND COUNTY FILED 2025 MAR 18 AM 8:08 JEANETTE W. WALTERS

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court: The Motion to Reconsider is DENIED.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.
Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		$
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.
Note: Title abstractors and researchers should refer to the official court order for judgment details.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page. 10

Circuit Court Judge | 2774 **Judge Code** | 3/17/25 **Date**

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

2024CP4001737 11

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Alonzo C. Peter, III
Plaintiff(s)

vs.

State of South Carolina, et al
Defendant(s)

CIVIL ACTION COVERSHEET

-CP-

Submitted By: Alonzo C. Peter, III
Address: Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

SC Bar #:
Telephone #:
Fax #:
Other:
E-mail:

FILED
2024 MAR 18 AM 11:08
RICHLAND COUNTY
BETTE W. ROBRIDE
P.C.

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply*)

**If Action is Judgment/Settlement do not complete*

☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☒ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts	Torts – Professional Malpractice	Torts – Personal Injury	Real Property
☐ Constructions (100)	☐ Dental Malpractice (200)	☐ Conversion (310)	☐ Claim & Delivery (400)
☐ Debt Collection (110)	☐ Legal Malpractice (210)	☐ Motor Vehicle Accident (320)	☐ Condemnation (410)
☐ General (130)	☐ Medical Malpractice (220)	☐ Premises Liability (330)	☐ Foreclosure (420)
☐ Breach of Contract (140)	Previous Notice of Intent Case #	☐ Products Liability (340)	☐ Mechanic's Lien (430)
☐ Fraud/Bad Faith (150)	20 -NI-	☐ Personal Injury (350)	☐ Partition (440)
☐ Failure to Deliver/ Warranty (160)	☐ Notice/ File Med Mal (230)	☐ Wrongful Death (360)	☐ Possession (450)
☒ Employment Discrim (170)	☐ Other (299)	☐ Assault/Battery (370)	☐ Building Code Violation (460)
☐ Employment (180)		☐ Slander/Libel (380)	☐ Other (499)
☐ Other (199)		☐ Other (399)	

Inmate Petitions	Administrative Law/Relief	Judgments/Settlements	Appeals
☐ PCR (500)	☐ Reinstate Drv. License (800)	☐ Death Settlement (700)	☐ Arbitration (900)
☐ Mandamus (520)	☐ Judicial Review (810)	☐ Foreign Judgment (710)	☐ Magistrate-Civil (910)
☐ Habeas Corpus (530)	☐ Relief (820)	☐ Magistrate's Judgment (720)	☐ Magistrate-Criminal (920)
☒ Other (599)	☐ Permanent Injunction (830)	☐ Minor Settlement (730)	☐ Municipal (930)
Declaratory Judgment	☐ Forfeiture-Petition (840)	☐ Transcript Judgment (740)	☐ Probate Court (940)
	☐ Forfeiture—Consent Order (850)	☐ Lis Pendens (750)	☐ SCDOT (950)
	☐ Other (899)	☐ Transfer of Structured Settlement Payment Rights Application (760)	☒ Worker's Comp (960)
		☐ Confession of Judgment (770)	☐ Zoning Board (970)
		☐ Petition for Workers Compensation Settlement Approval (780)	☐ Public Service Comm. (990)
		☐ Other (799)	☐ Employment Security Comm (991)
			☐ Other (999)

Special/Complex /Other	
☐ Environmental (600)	☐ Pharmaceuticals (630)
☐ Automobile Arb. (610)	☐ Unfair Trade Practices (640)
☐ Medical (620)	☐ Out-of State Depositions (650)
☐ Other (699)	☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Sexual Predator (510)	☐ Pre-Suit Discovery (670)
☐ Permanent Restraining Order (680)	

Submitting Party Signature: _____ **Date:** March 6, 2024

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

12

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.

4. Cases are exempt from ADR only upon the following grounds;

   a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

   b. Requests for temporary relief;

   c. Appeals

   d. Post Conviction relief matters;

   e. Contempt of Court proceedings;

   f. Forfeiture proceedings brought by governmental entities;

   g. Mortgage foreclosures; and

   h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

2024CP4001737

13

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)
) FOR THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III)
) CIVIL ACTION NO.
Plaintiff,)
)
v) CERTIFICATE OF EXEMPTION
)
State of South Carolina, et al)
)
Defendant.)

RICHLAND COUNTY
FILED
2024 MAR 18 AM 11:08
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

I CERTIFY THAT THIS ACTION IS EXEMPT FROM ARBITRATION/MEDIATION BECAUSE:

___ Monetary relief requested in this case exceeds $25,000.00.
___ This is a class action.
___ This case involves:
  ___ Title to real estate
  ___ Wills, trusts and decedent's estates
  ___ Mortgage foreclosure
  ___ Partition
  ✓ This is a special proceeding or action seeking extraordinary relief such as mandamus, habeas corpus, or prohibition.
___ Monetary relief requested in this case is unspecified but exceeds $25,000.00.
___ This action is appellate in nature.
___ This is a post-conviction relief (PCR) matter.
___ This is a forfeiture action brought by the State.
___ This is a contempt of court proceeding.

S/ _____
Alonzo C. Jeter, III

This 6th day of March, 2024.

14

2024CP4001737

STATE OF SOUTH CAROLINA)
) VERIFICATION
COUNTY OF RICHLAND)

PERSONALLY appeared before me, Alonzo C. Jeter, III, being first duly sworn, deposes, and says: that he is the Plaintiff in the foregoing action, that he has read the foregoing Summons and Complaint, and that those matters alleged therein are true to his own knowledge, except those to be upon information and belief, and, as to those, he believes them to be true.

pro se
PLAINTIFF

This 6th day of March, 2024.

SWORN and Subscribed before me
this 6th day of March, 2024

Sandra Dutton
Notary Public for South Carolina
My Commission Expires: 2/28/34

RICHLAND COUNTY
FILED
2024 MAR 18 AM 11:08
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

2024CP4001737

15

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Alonzo C. Jeter, III)
Plaintiff)

Vs)
State of South Carolina; Alan McEvoy)
Wilson; Chelsey F. Mucha; Joseph Derham)
Cole; Mark J. Hayes, II; Ralph Defendant)
Keith Kelly; Brandy W. McBee; Tonaya K.)
Kohn; Jean Hoefer Toal; Donald W. Beatty)

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO. _____-CP-_____

RICHLAND COUNTY
FILED
2024 MAR 18 AM 11:08
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

pro se
Plaintiff
Alonzo C. Jeter, III

Dated: March 6, 2024

Address: Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

2024CP4001737 16

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT Case No.
Alonzo C. Jeter, III, PLAINTIFF, 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 Hoefer Toal; Donald ~~D~~ Beatty, DEFENDANTS	-COMPLAINT- PETITION FOR DECLARATORY JUDGMENT AND PROSPECTIVE INJUNCTIVE RELIEF Violation of Separation of Powers - S.C. Const. Art. I, §8 Violation of Due Process and Equal Protection - S.C. Const. Art. I, §3 JURY TRIAL REQUESTED

RICHLAND COUNTY FILED
2024 MAR 18 AM 11:08
JEANETTE W. McBRIDE CLERK OF COURT

Plaintiff, Alonzo C. Jeter, III, Comes respectfully, seeking an Order of declaratory judgment and prospective injunctive relief - with regard to the propriety of the allowance of the Office of the Attorney General to schedule post-conviction relief matters to include all matters related to post-conviction relief matters, inter alia.

Plaintiff does request a Jury Trial and hearing on the matter within the case at bar.

JURISDICTION

This Court has Jurisdiction over this matter pursuant to S.C. Code Ann. §15-53-20 and the "Uniform Declaratory Judgments Act."

In addition, as both the Cherokee County Clerk of Court and Chief Administrative Judges for the 7th Judicial Circuit and Circuit Judges for the 7th Judicial Circuit have been named and made parties/defendants in this action; it would be therefore improper to file this action in the office of the Cherokee County Clerk of Court and/or 7th Judicial Circuit Court of South Carolina. Filing this action in the aforementioned designations/venues would be counter-intuitive and would be insanity as doing such would cause and allow the adversary parties to file their own pleadings, enter those pleadings, and adjudicate upon these pleadings. This is exactly the actions of the adversary parties - which caused and prompts the Plaintiff to bring this action at bar.

LIBERAL CONSTRUCTION

Plaintiff asks that this Court would liberally construe his complaint and pleadings and that his pleadings be held to less stringent standards than formal pleadings drafted by lawyers as Plaintiff comes both pro se and a layman. Gordon v Leeke, 574 F2d 1147, 1151 (4th Cir. 1978).

QUESTIONS PRESENTED

1. Does the allowance of the Attorney General's Office to schedule all matters which relate to Post-Conviction Relief actions violate the Separation of Powers Doctrine, Due Process, and Equal Protection?

2. Does the allowance of the Office of the South Carolina Attorney General to schedule and effectively make the determination as to whether or not motions and matters will be acknowledged, scheduled, heard and adjudicated upon, violate the Separation of Powers Doctrine, Due Process, and Equal Protection?

3. Does the allowance of the Office of the South Carolina Attorney General to make a determination as to the appointment of counsel and as to existence of genuine issues of material fact and law, violate the Separation of Powers Doctrine, Due Process, and Equal Protection?

4. Is scheduling of motions and matters, and providing notice to parties in post-conviction relief actions, a ministerial duty of the Clerk of Court?

5. Is former Chief Justice, Jean Hoefer Toal's Administrative Order, which is dated October 6, 2008, and is titled, 'Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court', vaguely written and should be rescinded or otherwise reauthored so as to clarify administrative and ministerial roles

of the Common Pleas and Circuit Court Judges, Chief Administrative Judges, and Clerk of Courts, and to limit the power, conduct, and influence of the Office of the South Carolina Attorney General in post-conviction relief matters.[2]

6. Should Clerks of Courts be required to inform indigent, pro se, PCR applicants (1) that the PCR applicant must file a motion for appointment of counsel if the applicant desires to be appointed counsel or considered for appointment of counsel, and (2) of who to serve the motion upon as well as how to serve such motion?

7. Should Clerks of Courts be mandated to place any and all motions filed by pro se PCR applicants on the court's motions calendar and ensure that the motions are acknowledged by the appropriate Judge — rather than simply forwarding the motions to the Office of the Attorney General for this adversary party's handling of the motion?

8. Does ex parte communication, which consist of scheduling PCR matters, hearing PCR matters, verbatim adoption of prepared orders, and discussions of pleadings filed by either party — violate the Separation of Powers Doctrine, Due Process and Equal Protection, when such conduct is between only the PCR Court and its officers along with the Office of Attorney General,

and excludes the pro se PCR applicant from participation in the meetings, conversations, etc?

STATEMENT OF THE CASE

1. On June 19, 2019, Plaintiff filed an Application for Post Conviction Relief with Brandy W. McBee of the Cherokee County Clerk of Court's Office. (PCR Case 2019-CP-11-0457)

2. On July 1, 2020, Plaintiff filed a Motion For Appointment of Counsel in the action.

3. Brandy W. McBee, as Cherokee County Clerk of Court, did not forward Plaintiff's motion to any Judge for adjudicating.

4. McBee did not provide Plaintiff any instruction as to filing such motion nor ensure that the motion would be placed before a Judge for adjudication.

5. McBee forwarded Plaintiff's motion to the Office of the Attorney General for its handling and any scheduling thereof for hearing and adjudication of the motion

6. McBee did not place the motion on the Cherokee County Court's motions calendar nor schedule the motion to be placed before any Judge for hearing and adjudication thereof.

7. Plaintiff filed a motion for a hearing, on November 20, 2020.

8. McBee performed the same conduct, actions, and inactions as stated in Nos. 3 thru 6 above, towards and as to Plaintiff's motion for a hearing.

9. On December 2, 2020, the State of South Carolina - represented by the Office of the Attorney General, submitted a proposed conditional order of dismissal to Judge J. Mark Hayes, II, for his verbatim adoption and signature reflecting such.

10. On December 7, 2020, the State's proposed conditional order of dismissal was adopted verbatim, without any editing whether by addition or subtraction, by Judge Hayes.

11. This signed proposed order, by way of the Judge Hayes' signature, automatically converted to a conditional order of dismissal, and was then filed with McBee in the Cherokee County Clerk of Court's office on December 14, 2020.

12. On August 16, 2021, Plaintiff filed a motion for independent adjudication and hearing on motions.

13. Plaintiff wrote correspondence to McBee asking that she place all motions filed by Plaintiff on the court's motions calendar and ensure that Plaintiff's motions were placed before the Judge for ~~adjudication~~ acknowledgement, hearing, and adjudication thereof.

14. Plaintiff's correspondence was filed on August 30, 2021. This then prompted unclean hands to move and have Judge Derham Cole to sign an order titled, "Final Order of Dismissal" on the same date of August 30, 2021.

15. On September 7, 2021, Plaintiff filed a motion for written order of the Chief Judge for administrative purposes.

16. The signed Final Order of Dismissal was filed with McBee of the Cherokee ~~County~~ County Clerk's office on September 9, 2021.

17. Judge Cole did not hear nor adjudicate upon any motion Plaintiff filed.

18. Plaintiff had also filed a motion for discovery and motion for leave and assistance in initiating depositions, interrogatories, and subpoenas; which remained pending.

19. Plaintiff filed a Rule 59(e), SCRCP, motion to alter or amend Judgment.

20. On March 31, 2022, an unfair surprise hearing was held before Judge Cole at the Spartanburg County Courthouse.

21. Plaintiff received no notice from the court, Clerk McBee, nor the Office of Attorney General, which informed Plaintiff that a hearing on Plaintiff's Rule 59(e), SCRCP, motion was scheduled and would be convened on March 31, 2022.

22. Judge Cole would not hear and adjudicate upon any of Plaintiff's motions while at the Rule 59(e), SCRCP, hearing - as the motions were not scheduled by the Office of Attorney General to be heard. Neither, did Judge Cole at anytime hear and adjudicate upon any of Plaintiff's motions prior to ultimately dismissing and denying Plaintiff's PCR action by way of

a Form 4 order, denying Plaintiff's Rule 59(e), SCRCP, motion.

23. Plaintiff was not prepared for the Rule 59(e), SCRCP, hearing due to lack of notice. This caused Plaintiff to be in attendance without case files, any notes, ink pen, nor paper for taking notes; nor a mental refreshment of his issues.

24. At the Rule 59(e), SCRCP, hearing, Judge Cole depended upon the Office of Attorney General to provide both Judge Cole and the Plaintiff pleadings from the case file - rather than depending on the Clerk of Court to perform this ministerial duty of providing the record to the court.

25. Judge Cole and the Plaintiff was provided partial, incomplete, and disarranged pleadings, by the Office of Attorney General, while in attendance at the Rule 59(e), SCRCP, hearing.

26. The allowance of the Office of Attorney General to schedule and control all matters relative to the PCR action, did violate the Separation of Powers Doctrine, Due Process, and Equal Protection.

27. Former Chief Justice, Jean Hoefer Toal's Administrative Order, titled 'RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court' serves as the driving

force and catalyst, whereby the PCR Court Judges and Clerk of courts have allowed the Office of the Attorney General to serve as the determinator as to whether or not indigent, pro se, PCR applicants will be appointed counsel or not.

28. Judges do not take a second look nor an independant look and make their own independant decisions as to whether or not counsel will be appointed or not.

29. The Office of the Attorney General assumes a Judicial role when determining whether or not counsel will be appointed - as to make such determination or assessment - the Office of the Attorney General must first make a determination as to whether or not genuine issues of material fact or law exists - as these determinations are intertwined/connected.

CONCLUSION

WHEREFORE, for the reasons provided above, Plaintiff prays for the following relief:

a. For an order declaring that the unfettered allowance of the Office of the Attorney General to schedule all matters which relate to PCR actions violates the Separation of Powers Doctrine, Due Process, and Equal Protection.

b. For an order declaring that the unfettered allowance of the Office of the Attorney General to effectively make the determination as to whether or not pro se PCR applicants' motions will be scheduled, heard, acknowledged, and adjudicated upon - violates the Separation of Powers Doctrine, Due Process, and Equal Protection.

c. For an order declaring that there does or does not exist any statute, rule, administrative order, memorandum, or other policy or authority - which provides for and allows the Clerk of Courts' administrative duties of filing, scheduling, placing on the courts calendars, inter alia of pro se PCR applicants' pleadings and of hearing and adjudication of the same - to be placed in the hands and duties (ministerial) be handed over to the Office of the Attorney General.

d. For an order which would declare the aforementioned Administrative Order which was authored and put in place by

former Chief Justice Jean Hoefer Toal - as unconstitutionally vague and therefore to be rescinded and/or otherwise reauthored so as to clearly set forth the ministerial duties of the Judges, Clerks of Courts with regard to (1) scheduling PCR matters and all things relative (2) proper notice to PCR applicants as to procedure for seeking appointment of counsel (3).

e. For an order declaring that allowance of the Office of the Attorney General to make a recommendation or determination as to the appointment of counsel, equates with the Judicial role of determining whether or not genuine issues of material fact exists (the Summary Judgment standard) in PCR actions - and this violates the Separation of Powers Doctrine, Due Process, and Equal Protection.

f. For an Order declaring that ex parte communications between the Judges and Office of Attorney General, with regard to PCR actions - its scheduling, pre-trial hearings, discussions with regard to whether or not genuine issues of material fact exists in the case, verbatim proposed orders and the adoption thereof, inter alia - violates the Separation of Powers Doctrine, Due Process, and Equal Protection.

g. For an order declaring that allowance of the Office of the Attorney General to select what pleadings are placed before

the Judge for the Judges review and adjudication thereof. Violates Separation of Powers Doctrine, Due Process, and Equal Protection.

h. For an order which provides prospective injunction which prevents from any of the aforementioned unconstitutional actions and conduct from taking place in the future.

Any and other further relief the Court finds Just and equitable.

Respectfully submitted,

Alonzo C. Jeter, III
PLAINTIFF / pro se
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

This 6th day of March, 2024.

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	Civil Action No. 2024CP4001737
Alonzo C. Jeter, III, Plaintiff, *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 Hoefer Toal, Donald W. Beatty, Defendants.	)	**MOTION TO DISMISS OF STATE AND WILSON**

Defendants State of South Carolina and Alan McCrory Wilson hereby move the Court to dismiss them from this case pursuant to Rules 12(b)(1) and (6), SCRCP, in that this Court lacks subject matter jurisdiction, and Plaintiff has failed to state facts sufficient to constitute a cause of action, for reasons that include, but are not limited to, those set forth below:

1. This action is barred by res judicata in that the decisions in Plaintiff's postconviction relief proceeding bar his raising any issues that were adjudicated in that proceeding or that could have been raised therein. (Rule 12(b)(6)).
2. This action is barred by any applicable statutes of limitations including those applicable to postconviction relief. Rule 12(b)(6)
3. This Court lacks jurisdiction to overturn an Order of the South Carolina Supreme Court. Rule 12(b)(1).
4. This Court lacks the authority to issue an order directed to the scheduling of PCR proceedings across the State. Rule 12(b)(1)

5. Plaintiff fails to allege a judiciable case or controversy. Rule 12(b)(1)

Respectfully submitted,

s/ J. Emory Smith, Jr.
S.C. Bar No. 5262
Deputy Solicitor General

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

Office of the Attorney General
Post Office Box 11549
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(803) 734-3680
(803)734-3677 (Fax)
esmith@scag.gov

Attorneys for the State and Attorney General Wilson

May 2, 2024

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Alonzo C. Jeter, III,
PLAINTIFF,

v

State of South Carolina, Alan McCrory Wilson, Chelsey Fi Marte, J. Dehon Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McKee, Tonnya K. Kohn, Jean Haefer Toal, Donald W. Beatty,
DEFENDANTS.

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT
Case No. 2024-CP-40-01737

PLAINTIFF'S RETURN TO THE DEFENDANTS' - State of South Carolina and Alan McCrory Wilson's MOTION TO DISMISS

RICHLAND COUNTY
FILED
2024 MAY 21 AM 10:26
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

The Plaintiff, Alonzo C. Jeter, III, Comes Respectfully, and hereby Makes a Return to the Defendants - State of South Carolina and Alan McCrory Wilson - motion to dismiss, dated May 2, 2024, and filed . Plaintiff received notice and copy of this motion on May 6, 2024, by and through Evans Correctional Institution Legal Mail System.

In Return, Plaintiff states as follows
Defendants, State of South Carolina and Alan McCrory Wilson seek to be dismissed from this case under Rules 12(b)(1) and (6), SCRCP.

These Defendants claims this Court lack subject matter Jurisdiction and that Plaintiff has failed to state facts sufficient to constitute a cause of action. In support of its assertions, the Defendants claim

The Defendants claim this action is barred by res Judicata. However the Defendants bases its assertion on the fallacy that Plaintiffs claims concern actions that were taken in Plaintiffs PCR actions. The Defendant would conflate the concepts of, or attempt to drag a red herring across the road at this point in attempt to have this Court erroneously conflate the concepts of, challenging the decisions made by a PCR Court and challenging the policies, procedures, customs, practices, rules, statutes, etc employed in which the decision of a PCR Court is made. There indeed is a difference. Thus Plaintiff has in fact stated facts sufficient to constitute a cause of action. SC Code Ann. §15-53-130

The Defendants, again seeking to have this Court construe this action as an action for PCR, claims this action is barred by the applicable statute of limitations of PCR. Plaintiff would restate the same as above, as if fully set forth herein. Thus Defendants argument fails.

The Defendants assert this Court lacks Jurisdiction to overturn an Order of the South Carolina Supreme Court. However, Defendants fail to concede and reflect that this action is an action for Declaratory Judgment, in which this Court does have Jurisdiction thereof. SC Code Ann. 15-53-130

The Defendants argue this Court lacks the authority to issue an order directed to the scheduling of PCR proceedings across the State. Again, as stated above, Plaintiff would restate is emphasizing that this action is an action for Declaratory Judgment, SC Code 15-53-130

The Defendant claims Plaintiff fails to allege a Judiciable case or controversy. Defendants defense in this regard clearly lacks merit as Plaintiff has clearly shown a Judiciable case and controversy exists as this court can and should decide and declare these questions asked, the rights of Plaintiff and the constitutionality of the policies, customs, statutes, orders, etc. SC Code Ann. 15-53-130.

Respectfully submitted,

Alonzo C Jeter III
PLAINTIFF / Pro se

This 13th day of MAY, 2024

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT Case No. 2024-CP-40-01737
Alonzo C Jeter, III PLAINTIFF, v State of South Carolina, Alan McCrory Wilson, Chelsey F. Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, Donald W. Beatty, DEFENDANTS.	PLAINTIFF'S RETURN TO THE MOTION TO DISMISS By Defendants Chelsey F. Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, and Donald W. Beatty

RICHLAND COUNTY
FILED
2024 JUL 21 AM 10:26
CLERK OF COURT
MICHELLE W. McBRIDE
C.C.P., G.S., & F.C.

The Plaintiff, Alonzo C. Jeter, III, Comes Respectfully, and hereby Makes a Return to the Defendants' - Chelsey F. Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, and Donald W. Beatty - motion to dismiss, dated May 2, 2024, and filed May 6, 2024. Plaintiff received notice and copy of this motion on May 16, 2024, by and through Evans Correctional Institution's Legal Mail System.

In Return, Plaintiff states as follows:

Defendants, Marto, Cole, Hayes, Kelly, McBee, Kohn, Toal and Beatty (Plaintiff cites by last name only, however with all due

respect to the defendants and the court, last names are used only in effort to lessen length of pleadings) seek to be dismissed from this case under Rule 12(b)(2) and Rule 12(b)(6), SCRCP.

The Defendants, cited above, claim they are not proper parties to this case and thus this court lacks subject matter jurisdiction over them. In rebuttle, Plaintiff states these defendants are proper parties to this case and as such, this court does not lack subject matter jurisdiction of them.

Petitioner has asked that this court make a declaration as to the propriety of these very defendants actions, roles, and ministerial duties as it relates to Post-Conviction Relief Actions in South Carolina. Petitioner has shown that the actions of these defendants and the office which they represent, have violated and in custom and practice, violates the United States and South Carolina Constitutional rights of the Plaintiff. Thus, pursuant to the Declaratory Judgment Act, these defendants are in fact proper parties to this action to include Plaintiffs challenge as to the Constitutionality of their acts and statutes and any written or unwritten order, mandate, or memorandum.

These stated defendants also claim that Plaintiff has not pled a cause of action against them. In rebuttal, Plaintiff restates the same as above as if fully stated herein. Simply put, this case does involve these defendants and their actions and offices.

The Defendants, cited above, emphasized, "to the extent Plaintiff's case is construed as a challenge to his conviction". However, Plaintiff will make clear and has made clear that he does not seek to challenge his conviction by way of this action. In fact, it should be noted, that Plaintiff does not mention any how or whys as to his conviction. To be clear, Plaintiff only challenges procedure, customs, policies, statutes, and practices - to include administrative orders or memorandums written or unwritten. As such, as stated above, defendants are proper parties to this case.

WHEREFORE, the reasons above stated, the stated defendants should not be dismissed from this case, as they are proper parties.

Respectfully submitted,

Alonzo C. Jeter, III
PLAINTIFF / Pro se
Evans Correctional Institution
610 Thury 9 West
Bennettsville, SC 29512

This 13th day of MAY, 2024.

ALAN WILSON
ATTORNEY GENERAL

June 11, 2024

The Honorable Jeanette W. McBride
Clerk of Court, Richland County
P.O. Box 2766
Columbia, SC 29202-2766

Re: Jeter v. State 2024CP4001737

Dear Ms. McBride:

Enclosed for filing with your Office is the Memorandum of the State and the Attorney General In Support of their Motion to Dismiss in together with the Certificate of Service.

Thank you for your assistance.

Sincerely,

/s/ J. Emory Smith, Jr.
James Emory Smith, Jr.
Deputy Solicitor General

cc: Mr. Alonzo C. Jeter, III, #282902 (Request separately mailed)

ALAN WILSON
ATTORNEY GENERAL

June 11, 2024

Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

Re: Jeter v. State, et al. 2024CP4001737

Dear Mr. Jeter:

Enclosed and served upon you is the Memorandum in Support of Motion to Dismiss. I will separately mail you certificates of service, letters to the clerks of court, and emails to the chief administrative judges with proposed orders.

Sincerely,

/s/ J. Emory Smith, Jr.
James Emory Smith, Jr.
Deputy Solicitor General

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, Plaintiff, *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 Hoefer Toal, Donald W. Beatty, Defendants.	Civil Action No. 2024CP4001737 **MEMORANDUM IN SUPPORT OF MOTION TO DISMISS OF STATE AND WILSON**

Defendants State of South Carolina and Alan McCrory Wilson have moved for the Court to dismiss them from this case pursuant to Rules 12(b)(1) and (6), SCRCP, in that this Court lacks subject matter jurisdiction, and Plaintiff has failed to state facts sufficient to constitute a cause of action, for reasons that include, but are not limited to, those discussed below.

BACKGROUND

Plaintiff asks this Court to issue an order with multiple provisions for the scheduling of post-conviction relief proceedings and the appointment of counsel in them. He lacks standing to do so and granting such relief is beyond the province of this Court.

Plaintiff has not brought this action in accordance with an application for post-conviction relief. Although he refers to a prior application, *Jeter v. State*, 2019CP1100457, that action has ended. It was dismissed on August 30, 2021, by the Honorable Derham Cole, for successiveness, as barred by res judicata and for failure to establish a prima facie case of newly discovered evidence. On April 29, 2022, the court denied Plaintiff's Motion to Alter or Amend made on multiple grounds including the failure to appoint counsel or to grant him an evidentiary hearing.

The Supreme Court dismissed his appeal and denied rehearing on October 28, 2022. (Copies of the three orders attached for purposes of the 12(b)(1) motion only).

I.

THIS COURT LACKS SUBJECT MATTER JURISDICTION OF THIS CASE (Rule 12(b)(1))

"South Carolina courts, like the federal courts, require a justiciable case or controversy before any decision on the merits can be reached. *See Waters v. South Carolina Land Resources Conservation Comm'n*, 321 S.C. 219, 467 S.E.2d 913 (1996); *Crocker v. Barr*, 303 S.C. 1, 397 S.E.2d 665 (Ct.App. 1990) (Goolsby, J., concurring), rev'd on other grounds, 305 S.C. 406, 409 S.E.2d 368 (1991)." *Lennon v. South Carolina Coastal Council*, 498 S.E.2d 906, 908, 330 S.C. 414, 417-18 (S.C.App., 1998). *See also, Tourism Expenditure Review Committee v. City of Myrtle Beach*, 742 S.E.2d 371, 373, 403 S.C. 76, 81 (S.C.,2013)("'the parties cannot by consent or agreement confer jurisdiction on the court to render a declaratory judgment in the absence of an actual justiciable controversy.'" *Power v. McNair*, 255 S.C. 150, 153, 177 S.E.2d 551, 552 (1970).'"). Plaintiff has alleged no justiciable controversy that this Court has subject matter jurisdiction to address because he lacks standing.

A

PLAINTIFF LACKS STANDING

> The principle of standing under the United States Constitution is "an essential and unchanging part of the case-or-controversy requirement of Article III." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). The Supreme Court has provided a three-part test to establish standing: First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical,' " Second, there must be a causal connection between the injury and the conduct complained of the injury has to be "fairly ... trace[able] to the challenged action of the defendant, and not ... th[e] result [of] the independent action of some third party

> not before the court." Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." *Lujan*, 504 U.S. at 560–61 (internal citations omitted).

ATC S.., Inc. v. Charleston Cnty., 380 S.C. 191, 195-96, 669 S.E.2d 337, 339 (2008).

Plaintiff fails to meet these standards because he has not raised this issue pursuant to a current application for post-conviction relief. His prior action has ended. Therefore, he has no "injury in fact," and even if he did, it would not be "likely" to be "redressed by a favorable decision" because this Court lacks the authority to overrule the Supreme Court's rules or orders. *See infra.*

B

THIS COURT LACKS AUTHORITY TO ISSUE STATEWIDE SCHEDULING ORDER OR OVERRULE THE RULES AND ORDERS OF THE SUPREME COURT

Scheduling and the appointment of counsel are governed by the Uniform Post-Conviction Relief Act, S.C. Code Ann. §17-1-10, *et seq.*, including §17-27-70 which provides for summary dismissal when appropriate, and Rule 71.1, SCACR which provides that counsel should be appointed only when a hearing is required. In particular, Plaintiff challenges an order of former Supreme Court Chief Justice Toal of October 6, 2008, for the appointment of counsel. 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.

This Court can certainly take notice that the Supreme Court of South Carolina is the highest court in this state. As such, no Court has the authority to overrule its precedent. The "court [of appeals] lacks the authority to rule against prior published precedent from our supreme court, but is bound by the decisions of the supreme court. See S.C. Const. art. V, § 9 ("The decisions of the Supreme Court shall bind the Court of Appeals as precedents.")." *State v. Cheeks*, 400 S.C. 329,

342, 733 S.E.2d 611, 618 (Ct. App. 2012), aff'd as modified, 408 S.C. 198, 758 S.E.2d 715 (2014). Although *Cheeks* based its holding on an express constitutional provision, clearly the same rule applies to the circuit courts. In fact, a party cannot even argue against precedent in an oral argument to an appellate court absent permission. Rule 217, SCACR. In particular, the Supreme Court has express authority to issue administrative orders for the Court system, S.C. Const. art. V, § 4[1]; and to issue rules for the purpose of post-conviction proceedings, §17-27-110.

Because this Court lacks authority to overturn rules and administrative orders of the Supreme Court or to issue statewide scheduling orders, it lacks subject matter jurisdiction of this case.

II

THIS ACTION IS BARRED BY RES JUDICATA AND ANY APPLICABLE STATUTES OF LIMITATION (Rule 12(b)(6))

Because Plaintiff either raised or could have raised issues in this proceeding in the 2019 case he references, he is barred now from asserting them in the instant suit. Res judicata bars subsequent actions by the same parties when the claims arise out of the same transaction or occurrence that was the subject of a prior action between those parties. *Judy v. Judy*, 393 S.C. 160, 172, 712 S.E.2d 408, 414 (2011)("Under the doctrine of res judicata, '[a] litigant is barred from raising any issues which were adjudicated in the former suit and any issues which might have been raised in the former suit.'").

[1] As stated in art. V, §4: "The Chief Justice of the Supreme Court shall be the administrative head of the unified judicial system.. . . . The Supreme Court shall make rules governing the administration of all the courts of the State. Subject to the statutory law, the Supreme Court shall make rules governing the practice and procedure in all such courts. . . ."

This action is also time barred as to the conviction that was the subject of the 2019 application. S.C. Code Ann. § 17-27-45 "(A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.").

CONCLUSION

For the foregoing reasons, the State and the Attorney General respectfully request that this action be dismissed.

Respectfully submitted,

s/ J. Emory Smith, Jr.
S.C. Bar No. 5262
Deputy Solicitor General

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

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esmith@scag.gov

June 11, 2024

Attorneys for the State and Attorney General Wilson

44

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
	)	
Alonzo C. Jeter, III,	)	C/A No. 2023CP4205085
	)	
Plaintiff,	)	**CERTIFICATE OF SERVICE**
	)	
v.	)	
	)	
Spartanburg Municipal Court; State of South Carolina; Alan McCrory Wilson, Attorney General of South Carolina,	)	
	)	
Defendants.	)	
	)	

I hereby certify that I have served the Memorandum In Support of Motion to Dismiss of the State and Attorney General on the Plaintiff by mailing a copy of the document to him at the address below this June 11, 2024, through the United States mail.

Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

/s J. EMORY SMITH, JR.

S.C. Bar No. 5262
Deputy Solicitor General

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Columbia, South Carolina 29211
(803) 734-3680
Email: ESmith@scag.gov

ATTORNEY FOR THE STATE AND ATTORNEY GENERAL

45

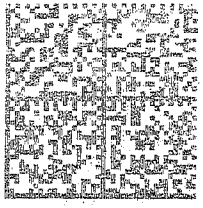
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Alonzo Jeter, SCDC #282902
610 Highway 9 West
Bennettsville, SC 29512



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ALAN WILSON
ATTORNEY GENERAL

May 2, 2024

VIA U.S. MAIL
The Honorable Jeanette W. McBride
Richland County Clerk of Court
Post Office Box 2766
Richland, South Carolina 29202

Re: *Alonzo C. Jeter, III, v. State of South Carolina, Alan McCrory Wilson, Chelsey Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, and Donald Beatty*
Civil Action No.: 2024-CP-40-01737

Dear Ms. McBride:

Enclosed for filing please find the originals and one copy of a Motion to Dismiss, Motion Coversheet, and Certificate of Service in the above-referenced matter. I would appreciate your acknowledging receipt by date-stamping the extra copies enclosed and returning them to me via the enclosed return envelope.

I have copied Plaintiff on this letter.

If you have any questions or if you need any additional information, please do not hesitate to contact me.

Sincerely yours,

L. David Leggett
Assistant Attorney General

cc: Mr. Alonzo Jeter

47

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, *Plaintiff,* *v.* State of South Carolina, Alan McCrory Wilson, Chelsey Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, Donald Beatty, *Defendants.*	Civil Action No. 2024-CP-40-01737 **CERTIFICATE OF SERVICE**

I, L. David Leggett, do hereby certify that I have this date served the *Motion to Dismiss* filed by Chelsey Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, and Donald Beatty, in the foregoing action on the Plaintiff by depositing one copy of the same in the U.S. Mail, postage prepaid, and addressed as follows:

Alonzo Jeter, SCDC #282902
610 Highway 9 West
Bennettsville, SC 29512

I have also emailed a copy of the Motion to the South Carolina Department of Corrections at legalmailservice@doc.sc.gov for service on the Plaintiff.

Respectfully submitted,

L. DAVID LEGGETT
ASSISTANT ATTORNEY GENERAL
Office of the Attorney General
SC Bar No. 104366
PO Box 11549
Columbia, SC 29211
(803)734-3177
DavidLeggett@scag.gov

By: _____
ATTORNEY FOR CHELSEY MARTO, J. DERHAM COLE, J. MARK HAYES, II, RALPH KEITH KELLY, BRANDY W. MCBEE, TONNYA K. KOHN, JEAN HOEFER TOAL, AND DONALD BEATTY

MAY 2, 2024
COLUMBIA, SOUTH CAROLINA

49

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF Richland) Fifth JUDICIAL CIRCUIT
)
) CASE NO.: 2024-CP-40-01737
Alonzo Jeter)
Plaintiff,) **MOTION AND ORDER INFORMATION FORM AND COVERSHEET**
vs.)
)
State of South Carolina, Alan Wilson, et al.)
Defendant.)

RICHLAND COUNTY FILED
2024 MAY -6 PM 2:12
JEANETTE W. McBRIDE C.C.P., G.S., &

Plaintiff's Attorney:	Defendant's Attorney:
Alonzo Jeter, Bar No. Pro se	David Leggett, Bar No. 104366
Address:	Address: PO Box 11549
Phone: ____ Fax ____	Phone: 803-734-3177 Fax____
E-mail: ____ Other: ____	E-mail: davidleggett@scag.gov Other:

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Motion to Dismiss
Estimated Time Needed: 15 Court Reporter Needed: ☒YES/☐ NO

SECTION II: Motion/Order Type

☐ Written motion attached
☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

_____ _____
Signature of Attorney for ☐ Plaintiff / ☐ Defendant Date submitted

SECTION III: Motion Fee

☒ PAID – AMOUNT: $ 25
☐ EXEMPT: (check reason)
☐ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☐ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: ____
☐ Other: ____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order.	JUDGE CODE ____
☐ Other:	Date: ____

CLERK'S VERIFICATION

Collected by: RM Date Filed: 5/6/24
☑ MOTION FEE COLLECTED: $ ____
☐ CONTESTED – AMOUNT DUE: $ ____

50

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, *Plaintiff,* *v.* State of South Carolina, Alan McCrory Wilson, Chelsey Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, Donald Beatty, *Defendants.*	Civil Action No. 2024-CP-40-01737 **MOTION TO DISMISS**

RICHLAND COUNTY
FILED
2024 MAY -6 PM 2:23
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

Defendants Chelsey Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, and Donald Beatty hereby move the Court to dismiss them from this case on the following grounds.

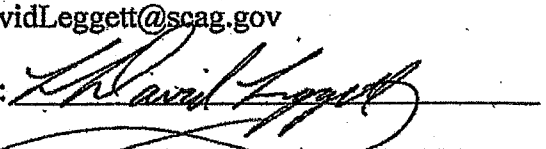
1. None of these Defendants are a proper party to this case; therefore, Plaintiff lacks standing to sue these defendants. As a result, the Court lacks subject matter jurisdiction over these defendants, and they should be dismissed from the case pursuant to South Carolina Rule of Civil Procedure 12(b)(1).
2. Mr. Jeter has not pled a cause of action against these Defendants, so they should be dismissed from the case pursuant to South Carolina Rule of Civil Procedure 12(b)(6).
3. To the extent Plaintiff's case is construed as a challenge to his conviction, pursuant to the Uniform Post-Conviction Procedures Act, none of these defendants are a proper party, so they should be dismissed pursuant to South Carolina Rule of Civil Procedure 12(b)(6).

This motion is based upon the pleadings filed in this action and the applicable common and statutory law of the State of South Carolina. This motion may be supported by a memorandum of law prior to a hearing in this matter.

Respectfully Submitted,

HARLEY L. KIRKLAND
ASSISTANT DEPUTY ATTORNEY GENERAL
Office of the Attorney General
SC Bar Number 100382
PO Box 11549
Columbia, SC 29211
Phone: (803) 734-0406
HKirkland@scag.gov

LEON DAVID LEGGETT
ASSISTANT ATTORNEY GENERAL
Office of the Attorney General
SC Bar Number 104366
PO Box 11549
Columbia, SC 29211
Phone: (803) 734-3177
DavidLeggett@scag.gov

By: 

ATTORNEYS FOR CHELSEY MARTO, J. DERHAM COLE, J. MARK HAYES, II, RALPH KEITH KELLY, BRANDY W. MCBEE, TONNYA K. KOHN, JEAN HOEFER TOAL, AND DONALD BEATTY

MAY 2, 2024
COLUMBIA, SOUTH CAROLINA

ALAN WILSON
ATTORNEY GENERAL

June 12, 2024

The Honorable Jeanette W. McBride
Clerk of Court, Richland County
P.O. Box 2766
Columbia, SC 29202-2766

Re: Jeter v. State 2024CP4001737

Dear Ms. McBride:

Enclosed for filing with your Office is the corrected Certificate of Service for the Memorandum of the State and the Attorney General. The previous Certificate had the caption of a different case involving Mr. Jeter..

Thank you for your assistance.

Sincerely,

/s/ J. Emory Smith, Jr.
James Emory Smith, Jr.
Deputy Solicitor General

cc: Mr. Alonzo C. Jeter, III, #282902

60

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Alonzo C. Jeter, III, Plaintiff, *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 Hoefer Toal, Donald W. Beatty, Defendants.	)	IN THE COURT OF COMMON PLEAS Civil Action No. 2024CP4001737 CERTIFICATE OF SERVICE CORRECTED

I hereby certify that I have served the Memorandum In Support of Motion to Dismiss of the State and Attorney General on the Plaintiff by mailing a copy of the document to him at the address below on June 11, 2024, through the United States mail.

Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

/s J. EMORY SMITH, JR.

S.C. Bar No. 5262
Deputy Solicitor General

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3680
Email: ESmith@scag.gov

ATTORNEY FOR THE STATE AND ATTORNEY GENERAL

June 12, 2024

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Alonzo C. Jeter, III, *Plaintiff,* *v.* State of South Carolina, Alan McCrory Wilson, Chelsey Marto, Joseph Derham Cole, Mark J. Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonya K. Kohn, Jean Hoefer Toal, Donald Beatty, *Defendants.*	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT Civil Action No. 2024-CP-40-01737 **MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

Defendants Chelsey Marto, Joseph Derham Cole, Mark J. Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonya K. Kohn, Jean Hoefer Toal, and Donald Beatty (collectively, "Individual Defendants") submit the following memorandum in support of their previously filed Motion to Dismiss.

PROCEDURAL HISTORY

Plaintiff Alonzo Jeter filed this action on March 18, 2024. On March 24, he was allowed to proceed *in forma pauperis.* On May 2, Individual Defendants filed a Motion to Dismiss. On May 8, the State of South Carolina and Attorney General Wilson filed a Motion to Dismiss. Mr. Jeter responded to Individual Defendants' Motion on May 21. Individual Defendants now offer this Memorandum in Support of their Motion.

STANDARD OF REVIEW

Pursuant to Rule 12(b)(1) of the South Carolina Rules of Civil Procedure, a defendant may move to dismiss a complaint for lack of subject matter jurisdiction. "Subject matter jurisdiction is 'the power to hear and determine cases of the general class to which the

proceedings in question belong.' " *Dove v. Gold Kist, Inc.*, 314 S.C. 235, 237-38, 442 S.E.2d 598, 600 (1994) (quoting *Bank of Babylon v. Quirk*, 192 Conn. 447, 472 A.2d 21, 22 (1984)). Lack of subject matter jurisdiction may be raised at any time and may be raised for the first time on appeal. *Linda Mc Co., Inc. v. Shore*, 390 S.C. 543, 557, 703 S.E. 2d 499, 506 (2010). "The question of subject matter jurisdiction is a question of law." *Id.* at 551, 703 S.E.2d at 503 (quoting *Porter v. Labor Depot*, 372 S.C. 560, 567, 643 S.E.2d 96, 100 (Ct. App. 2007))." *Gantt v. Seiph*, 423 S.C. 333, 337–38, 814 S.E. 2d 523, 525–26 (2018).

Pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a defendant may move to dismiss a complaint when the defendant demonstrates that the plaintiff has failed to allege facts sufficient to establish a cause of action. Rule 12(b)(6), SCRCP. *See Williams v. Condon*, 347 S.C. 227, 233, 553 S.E.2d 496, 500 (Ct. App. 2001). A ruling on a motion to dismiss pursuant to Rule 12(b)(6) must be based solely on the factual allegations set forth in the complaint, and the court must consider all well-pled allegations as true. *Gressette v. S.C. Elec. & Gas Co.*, 370 S.C. 377, 378-79, 635 S.E.2d 538, 538 (2006); *Disabato v. S.C. Ass'n of Sch. Adm'rs*, 404 S.C. 433, 441, 746 S.E.2d 329, 333 (2013).

ARGUMENT

At its core, Individual Defendants' Motion to Dismiss rests on the fact that they are improper parties to this suit and should be dismissed. For a variety of reasons, Mr. Jeter has not and cannot state a claim against Individual Defendants.

1. Mr. Jeter Lacks Standing Against Individual Defendants.

Mr. Jeter seeks various declarations, and a corresponding injunction, regarding the constitutionality of Post-Conviction Relief case scheduling, but he has not alleged sufficient standing to sue Individual Defendants. To establish standing, a plaintiff must have "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3)

that is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016). In his Complaint, Mr. Jeter challenges the constitutionality of PCR scheduling. A favorable decision against Individual Defendants would not resolve his concerns. The declarations Mr. Jeter seeks pertain to the Office of the Attorney General and the State, not Individual Defendants. Put simply, Individual Defendants are not proper parties to this case. Mr. Jeter complains of various actions taken by Individual Defendants during his PCR case; however, his suit is not about the propriety of their actions. Instead, he asserts that their actions complied with the laws in force at the time of his case, but that those laws are unconstitutional.

Moreover, Mr. Jeter does not seek remedies which any of the Individual Defendants, acting in the individual capacity in which they were sued, could provide to him. The declarations and injunction which Mr. Jeter seeks must be made by a court of competent jurisdiction according the laws of this State. While several of the Individual Defendants are members of the judiciary, they cannot be compelled—via a declaratory judgment suit in their individual capacity—to issue the declarations which he desires.[1]

Thus, Mr. Jeter lacks standing to sue Individual Defendants. Standing is not a mere pleading requirement, "but rather an indispensable part of the plaintiffs' case," *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992), and Article III standing requirements cannot be "water[ed] down," *Clapper v. International USA, et al.*, 568 U.S. 398 (2013); *see also Friends for Ferrell Parkway, LLC v. Stasko*, 282 F.3d 315, 320 (4th Cir. 2002). A lack of standing robs

---

[1] To the extent that Mr. Jeter's complaint is construed against Individual Defendants in their official capacities, the same is still true. None of the Individual Defendants have, on their own, the neither authority to rule that the PCR scheduling order issued by the South Carolina Supreme Court is unconstitutional nor the discretion to disregard that order.

Donald Beatty, as Chief Justice, is the only Individual Defendant who even arguably has the authority to invalidate the PCR Scheduling Order, but seeking a declaratory judgment against him is the not the proper means to achieve such an desired outcome.

the court of subject matter jurisdiction and subjects the suit to dismissal pursuant to Rule 12(b)(1). *See e.g., Heindel v. Andino*, 359 F. Supp. 3d 341, 351 (D.S.C. 2019). Therefore, Individual Defendants should be dismissed from this case pursuant to Rule 12(b)(1).

2. Plaintiff Has Not Pled a Cause of Actinon Against Individual Defendants.

Mr. Jeter is challenging the constitutionality of PCR scheduling, but he has sued Individual Defendants in their individual capacity. In their individual capacity, none of the Individual Defendants were involved in his PCR case or in the scheduling of PCR his cases, generally. Individual Defendants were only involved in Mr. Jeter's previous case in their official capacities. Therefore, Plaintiff has not properly pled a cause of action against Individual Defendants in their individual capacities, and they should be dismissed from this case pursuant to Rule 12(b)(6).

3. To the Extent Mr. Jeter's Case is Construed as a Challenge to His Conviction, the Uniform Post-Conviction Procedures Act is His Exclusive Remedy.

To the extent that the declarations Mr. Jeter seeks would have the effect of challenging or undermining the validity of his criminal conviction, in South Carolina, the Uniform Post-Conviction Procedure Act takes the place of all other remedies to challenge the validity of a conviction or sentence. S.C. Code Ann. §17-27-20(B) ("Except as otherwise provided in this chapter, it comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them."). Therefore, to the extent that this case would have the effect of challenging or undermining the validity of his criminal conviction, this action should be dismissed pursuant to Rule 12(b)(6).

Respectfully Submitted,

HARLEY L. KIRKLAND
ASSISTANT DEPUTY ATTORNEY GENERAL
Office of the Attorney General
SC Bar Number 100382
PO Box 11549
Columbia, SC 29211
Phone: (803) 734-0406
HKirkland@scag.gov

LEON DAVID LEGGETT
ASSISTANT ATTORNEY GENERAL
Office of the Attorney General
SC Bar Number 104366
PO Box 11549
Columbia, SC 29211
Phone: (803) 734-3177
DavidLeggett@scag.gov

By: _____

ATTORNEYS FOR CHELSEY MARTO, J. DERHAM COLE, J. MARK HAYES, II, RALPH KEITH KELLY, BRANDY W. MCBEE, TONNYA K. KOHN, JEAN HOEFER TOAL, AND DONALD BEATTY

JUNE 12, 2024
COLUMBIA, SOUTH CAROLINA

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, *Plaintiff,* *v.* State of South Carolina, Alan McCrory Wilson, Chelsey Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, Donald Beatty, *Defendants.*	Civil Action No. 2024-CP-40-01737 **CERTIFICATE OF SERVICE**

I, L. David Leggett, do hereby certify that I have this date served the *Memorandum in Support* filed by Chelsey Marto, J. Derham Cole, J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, and Donald Beatty, in the foregoing action on the Plaintiff by depositing one copy of the same in the U.S. Mail, postage prepaid, and addressed as follows:

Alonzo Jeter, SCDC #282902
610 Highway 9 West
Bennettsville, SC 29512

I have also emailed a copy of the Motion to the South Carolina Department of Corrections at legalmailservice@doc.sc.gov for service on the Plaintiff.

Respectfully submitted,

L. DAVID LEGGETT
ASSISTANT ATTORNEY GENERAL
Office of the Attorney General
SC Bar No. 104366
PO Box 11549
Columbia, SC 29211
(803)734-3177
DavidLeggett@scag.gov

By: _____
ATTORNEY FOR CHELSEY MARTO, J. DERHAM COLE, J. MARK HAYES, II, RALPH KEITH KELLY, BRANDY W. MCBEE, TONNYA K. KOHN, JEAN HOEFER TOAL, AND DONALD BEATTY

JUNE 12, 2024
COLUMBIA, SOUTH CAROLINA

68

OFFICE OF THE ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

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COLUMBIA, SOUTH CAROLINA 29211-1549

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Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

29512&2130 R004

69

Emory Smith

From: Emory Smith
Sent: Tuesday, June 11, 2024 3:14 PM
To: kcurtisj@sccourts.org; kcurtislc@sccourts.org
Cc: kcurtissc@sccourts.org
Subject: Alonzo Jeter v. State 2024CP1001737
Attachments: Memo in Support of MTD of State and AG with exhibits (03602739xD2C78).PDF; Certificate of Service 6-11-24 (03602680xD2C78).PDF

Your Honor,

Attached is the Memo in Support of the Motion to Dismiss the State and Attorney General in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him.

The motion hearing is set for 9:30 am in Columbia.

Respectfully,

Emory

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
Solicitor General Division | Office 803-734-3642
P.O. Box 11549 | Columbia, SC 29211
esmith@scag.gov

This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

David Leggett 70

From: David Leggett
Sent: Wednesday, June 12, 2024 10:20 AM
To: 'kcurtisj@sccourts.org'; 'Curtis, Kristi F. Law Clerk (Jack Jackson)'
Cc: Harley Kirkland; Emory Smith; 'kcurtissc@sccourts.org'
Subject: RE: Alonzo Jeter v. State 2024CP1001737
Attachments: Jeter - Memo (03603746xD2C78).PDF; Jeter - Memo COS (03603727xD2C78).PDF

Your Honor,

Attached is the Memo in Support of the Motion to Dismiss of the various individual defendants in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him.

The motion hearing is set for 9:30 am tomorrow, Thursday June 13.

Sincerely yours,

L. David Leggett, Assistant Attorney General
Office of the South Carolina Attorney General
Legal Services Division | Civil Litigation Section
Office 803-734-3177 | Fax 803-734-3677
P.O. Box 11549 | Columbia, SC 29211
scag.gov

This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

From: Emory Smith
Sent: Tuesday, June 11, 2024 3:14 PM
To: kcurtisj@sccourts.org; kcurtislc@sccourts.org
Cc: kcurtissc@sccourts.org
Subject: Alonzo Jeter v. State 2024CP1001737

Your Honor,

Attached is the Memo in Support of the Motion to Dismiss the State and Attorney General in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him.

The motion hearing is set for 9:30 am in Columbia.

Respectfully,

254/331

71

ALAN WILSON
ATTORNEY GENERAL

August 15, 2024

The Honorable Kristi F. Curtis
Circuit Court Judge
215 North Harvin Street
Sumter, SC 29150

Re: Jeter v. State 2024CP4001737

Dear Judge Curtis:

Attached for your consideration is a proposed order granting the motions to dismiss of all of the defendants. Because this case was brought pro se by an inmate, I am not permitted to submit the order through the efiling system. When you sign it, please submit it to the Clerk of Court for filing it or mail it to me for filing and service, whichever is convenient for you.

Thank you for your consideration of this matter.

Respectfully,

/s/ J. Emory Smith, Jr.
James Emory Smith, Jr.
Deputy Solicitor General
Counsel for the State and Attorney General

cc: Mr. Alonzo C. Jeter, III, #282902 (by mail and Dept. of Corrections email)
Harley L. Kirkland, Assistant Attorney General (by email only)
Leon David Leggett, Assistant Attorney General (By email only)

July 1, 2024

72

Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

The Honorable Jeanette W. McBride
Clerk, Richland County Court
Richland County Judicial Center
1701 Main Street
Post Office Box 2766
Columbia, South Carolina 29201-9201

Re: **Alonzo C. Jeter, III v State of South Carolina, Et Al**
Case No. 2024-CP-40-01737

Dear Jeanette McBride, Jackie Pendergrass, Paul Gunter, Athena Borer, Judge Kristi Curtis, Judge Jocelyn Newman:

Please find enclosed for your attention, filing, and response, (1) Correspondence dated July 1, 2024, along with a (2) Certificate of Mailing and Service regarding the same. Please return to me, filed stamped copies of these documents along with your response(s).

Thank you for your attention in this matter and case.

Sincerely,

Alonzo C. Jeter, III

cc: James Emory Smith, Jr.
Leon David Leggette
Jackie Pendergrass
Paul Gunter
Athena Borer
Hon. Kristi F. Curtis
Hon. Jocelyn Newman

FILE

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**CERTIFICATE OF MAILING AND SERVICE** (*Johnson v Fogan*, No. 23-6771 (4th Cir. 2023), 2023 WL 8594413; *Mose v State*, 420 S.C. 500, 803 S.E.sd 718 (2017))
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	

73

I, Alonzo C. Jeter, III, hereby certify that I have mailed a copy of the Correspondence dated July 1, 2024, which is an inquiry regarding scheduling in the above captioned case to all below named persons, and in addition I have served a copy of the same on the Defendants by placing a copy of the same inside of postage prepaid envelopes, and placing said envelopes in the hands of Evans Correctional Institution's mailroom personnel, on this 1 day of July, 2024, addressed for mailing as follows:

Hon. Jeanette W. McBride, Clerk, Richland County Court, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201-9201; Jackie Pendergrass, Clerk of Court Administrator, Richland County Court, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201-9201; Paul Gunter, Supervisor, Civil Jury Roster Scheduler, Richland County Court, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201-9201; Athena Borer, Civil Non-Jury Roster Scheduler, Richland County Court, Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina 29201-9201; The Honorable Kristi F. Curtis, Circuit Court Judge, Sumter County Judicial Center, 215 North Harvin Street, Sumter, SC 29150; The Honorable Jocelyn Newman, 1701 Main St., Room 223, P.O. Box 192, Columbia, SC 29202-0192; James Emory Smith, Jr., Deputy Solicitor General, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211; Leon David Leggett, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina, 29211.

I further clarify that I did mail letters to each person individually.

WITNESSED BY: Sarcha Outlaw

s/ _____
Alonzo C. Jeter, III
PLAINTIFF *pro se*

SWORN and Subscribed before me
this 1st day of July, 2024

Sarcha Outlaw
Notary Public for South Carolina
My Commission Expires: 2/28/34

Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

74

July 1, 2024

The Honorable Jeanette W. McBride
Clerk, Richland County Court
Richland County Judicial Center
1701 Main Street
Post Office Box 2766
Columbia, South Carolina 29201-9201

Jackie Pendergrass
Clerk of Court Administrator
Richland County Court
Richland County Judicial Center
1701 Main Street
Post Office Box 2766
Columbia, South Carolina 29201-9201

Paul Gunter
Supervisor, Civil Jury Roster Scheduler
Richland County Court
Richland County Judicial Center
1701 Main Street
Post Office Box 2766
Columbia, South Carolina 29201-9201

Athena Borer
Scheduler, Civil Non-Jury Roster
Richland County Court
Richland County Judicial Center
1701 Main Street
Post Office Box 2766
Columbia, South Carolina 29201-9201

The Honorable Kristi F. Curtis
Chief Administrative Judge For Common Pleas
Third Judicial Circuit
215 North Harvin Street
Sumter, South Carolina 29150

The Honorable Jocelyn Newman
Chief Administrative Judge For Common Pleas
Fifth Judicial Circuit
1701 Main St., Room 223
Post Office Box 192
Columbia, South Carolina 29202-0192

Re: **Alonzo C. Jeter, III v State of South Carolina, Et Al**
Case No. 2024-CP-40-01737

Dear Jeanette McBride, Jackie Pendergrass, Paul Gunter, Athena Borer, Judge Kristi Curtis, Judge Jocyln Newman

A hearing in the case of Alonzo C. Jeter, III v State of South Carolina, Et Al, Case No. 2024-CP-40-01737, was held on June 13, 2024, at 9:30 AM, before Judge Kristi F. Curtis. I was made available and did appear while at Evans Correctional Institution, via WebEx Conference.

I write seeking that you please inform me regarding the following::

(1) Please advise me of who scheduled this hearing to be held on this date?

(2) Please also advise me of how was the Office of the Attorney General noticed of this hearing. 75

(3) Please inform me of whether or not it was the Office of Attorney General that actually scheduled this hearing and this did not receive notice but rather provided the Court notice of the date and time of the hearing, to include its choice of judge in which the matter would be heard?

(4) As this hearing date was scheduled, please inform me of exactly whose ministerial duty and responsibility it was to provide me timely written notice of the scheduled date and time of this hearing?

Please do be so kind as to provide me clear responses to my questions regarding this scheduling of my hearing, in full by way of a document which bears the letterhead of your office(s) as well as your signature(s).

Thank you all for your attention in this regard.

Sincerely,

Alonzo C. Jeter, III

cc:

FILE

J. Emory Smith, Jr.
L. David Leggett
All Above Named Persons

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	**PLAINTIFF'S OBJECTION TO DEFENDANTS' REQUEST TO DISMISS AND UNFAIR SURPRISE HEARING** **AND**
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 Hoefer Toal; Donald D. Beatty, Defendants.	**MOTION FOR AN ADDITIONAL HEARING VERBATIM COPY OF HEARING TRANSCRIPT JUDICIAL NOTICE**

The Plaintiff, Alonzo C. Jeter, III, comes hereby respectfully and moves the Court for judicial notice and reconsideration.

On June 13, 2024, a hearing on the Defendant's Motion to Dismiss was held before the Honorable Kristi F. Curtis.

Plaintiff is without a transcribed copy of this proceeding and is unable to recall any arguments raised by the defendants. This is due to Plaintiff's inability to take notes during the proceeding as Plaintiff had to listen very carefully in attempt to offer off the cuff responses, as he was forced to do. Part reason for inability to recall also is due to the stress and anxiety which derived from the occurrence of the unfair surprise hearing. This stress and anxiety remained constant throughout the proceeding. Plaintiff brought about the case at bar due to the bad faith actions of the Office of the Attorney General and those same bad faith actions were in operation yet again in this case by way of the defendant's strategic failure to provide notice as require by the Due Process Clause within the South Carolina and United States Constitution.

Plaintiff will show as well that Rule 6(d), SCRCP, was violated as it is clear Petitioner failed to receive the benefit of a ten (10) day notice of the hearing.

Plaintiff will also present the Court the clear evidence of the defendant's gamesmanship with regard to the lack of notice.

During the unfair surprise hearing, the defendants informed the hearing judge that Plaintiff was provided a Memorandum of Law. This word play was set forth by the defendants as an attempt to confuse the record and cause the hearing judge to wonder whether or not Plaintiff had actually

received notice of the hearing. However, Plaintiff submits that a Memorandum of Law is not Notice. Reading the Memorandum the court will find that the memorandum does not inform of a hearing nor hearing date.

Also, the defendants in further effort to confuse the record, caused a copy of the Memorandum to be served upon the Plaintiff on the day immediately before the hearing. The defendants strategically informed the judge that they emailed the SCDC and informed the SCDC that a hearing was going to be held and also asked the SCDC to serve the Memorandum on Plaintiff.

Again, the defendants are quite cunning with their wording. Listening and analyzing carefully those words it is found that the defendants stated that the emailed the SCDC not the Plaintiff. The defendants did not instruct the SCDC to inform Plaintiff that a hearing date was scheduled nor did the defendants instruct the SCDC to provide Plaintiff a copy of the email.

Albeit Plaintiff was served and did sign for and receive the Memorandum, there was no email attachment which would notify of the hearing. This is because the defendants purposely did not instruct the SCDC to neither serve nor provide a copy of the email to Plaintiff.

Plaintiff did, however, receive a copy of email communication on the day after the hearing. Plaintiff signed for and received this a copy of this email along with a copy of the Memorandum In Support of the Motion To Dismiss, by and through Evans Correctional Institutions' Legal Mail System.

Looking closely at the email, Plaintiff discovered yet another of the defendant's attempts to confuse the record. When looking at the email, Plaintiff found that the email was actually correspondence email to Judge Kristi Curtis.

It became much clearer to Plaintiff, why Judge Curtis seemed to not comprehend why or how Plaintiff had not received a copy of the email. Judge Curtis would reason that if the defendants provided Her Honor the email, then surely the defendants would have provided the Plaintiff a copy.

However, the defendants were not actually forwarding a copy of any email to Judge Curtis, but rather the defendants were in-fact communicating *DIRECTLY* with Judge Curtis, *EXPARTE*.

So Judge Curtis, the defendants, and the Richland County Clerk of Court all in collaboration failed to provide Plaintiff notice.

This email contained exparte conversation sent from J. Emory Smith to Judge Curtis dated June 11, 2024, and exparte conversation sent from L. David Leggett to Judge Curtis dated June 12, 2024.

The portion of the email which derived from J. Emory Smith reads as follows:

"Your Honor, Attached is the Memo in Support of the Motion to Dismiss the State and Attorney General in this case together with a certificate of service. I have mailed these documents to Mr.

Jeter and also emailed them to Corrections for service on him. I will mail this email to him. The motion hearing is set for 9:30 am in Columbia."

The portion of the email which derived from L. David Leggett reads as follows:

"Your Honor, Attached is the Memo in Support of the Motion to Dismiss of the various individual defendants in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him. The motion hearing is set for 9:30 am tomorrow, Thursday June 13."

The emails provide several interesting insights. This correspondence informs that the Office of the Attorney General, who is the adversary party in the case at bar, even within a case which is brought against it itself, still remains confident in engaging in exparte communications with the judges.

Further, this email informs that the adversary Office of the Attorney General, even in the case against itself remains confident in performing and conducting scheduling its own case.

The adversary Office of Attorney General remains confident in violating the Constitutional rights of the Petitioner so much that it doubles down and violates the Constitutional Rights to Due Process and fair notice even in the case at bar. Sadly, it seems as it knows that the justices in this State will not rule against it but will rather carefully place their blindfolds, not to remain impartial and fair but rather to peek at the times when South Carolina's Codes of Laws and Rules of the Court are broken - only to see if the one who has broken such Law or Rule is average citizen, pro se prisoner, or Lady Justice's amicus. Justice blindfolded certainly isn't justice blind.

Plaintiff asks that the Court would provide an expedited copy of certified verbatim copy of this proceeding.

Plaintiff did object, did contemporaneously object, and still continues to object to the proceeding as Plaintiff did not receive any notice of the hearing and although he was caused and made to be present, Plaintiff was blindsided and thus totally unprepared to present any points and rebuttal against the Defendant's arguments.

Plaintiff is aware that the Defendants have not offered for the record any South Carolina Code of Law nor South Carolina case law which mandates nor allows the ministerial duties of the clerk of court nor the judge's judicial duties to be handed over to the adversary or representative if the adversary in PCR matters.

The Defendants has not offered, for the record, any South Carolina Code of Law nor South Carolina case law which would allow for the Office of Attorney General, being both an official of the Executive branch of the South Carolina government and as being the adversary in Post Conviction Relief cases, to make judicial determinations.

In order that a determination of whether or not counsel should be appointed to a indigent prisoner in a post conviction relief case - first, a determination has to be made as to whether or not the indigent prisoner provides facts which present a genuine issue of material fact.

If it is found that the case presents genuine issues of material fact, then a hearing must be held. When a hearing must be held, it is then that an appointment of counsel must be made so as to assist in protecting the rights of the indigent prisoner.

It is not always the case whereby an indigent prisoner will be able to present his claims in such a way so as to reveal that he/she has a colorful claim. Said differently, it is not always that an unrepresented indigent prisoner will be able to present facts adequately so as to reveal that there truly exists genuine issues of material fact.

It is for this reason, and in the interest of certainty and caution, that the indigent prisoner is still appointed counsel. This is so as to safeguard the indigent prisoner's right to his/her full and fair opportunity and one bite at the apple.

Plaintiff's Due Process and Equal Protection Rights are violated as the Office of the Attorney General as the adversary remains the determinator as to whether or not Plaintiff will receive any assistance in setting forth sufficient facts which would present the required existance of genuine issues of material fact which is necessary for moving forward to achieve his full and fair bite at the apple.

The Defendants has not offered, for the record, any South Carolina Code of Law nor South Carolina case law which would allow for the Office of Attorney General, being both an official of the Executive branch of the South Carolina government and as being the adversary in Post Conviction Relief cases, to act in the judicial role of ruling on an indigent applicant's filed motions. Plaintiff's motions were forwarded to the Office of Attorney General rather than scheduled for hearing and adjudication upon them by a fair and impartial judge.

The Clerk of Courts has a ministerial duty to file, docket, and schedule motions to be heard and to ensure the filed motions are placed before the judge to be adjudicated upon. However, the Clerk of Courts has instead placed those ministerial duties into the hands of the Office of Attorney General, and this has allowed the Office of Attorney General to serve as a block and hinder the hearing and adjudications of the filed motions.

Plaintiff did make all parties named in the case at bar aware of the inequities which exists within South Carolina's Post Conviction Relief process and procedures. Plaintiff did also make these parties aware that his Constitutional Rights which are guaranteed by both South Carolina and the United States were being violated by these such processes and procedures.

All named defendants did play a roll and or supervisory roll in the violation of Plaintiff's Constitutional Rights Plaintiff's Constitutional Rights are fundamental rights and are clearly established by both United States Supreme Court holdings as well as the South Carolina and United States Constitution. Plaintiff does proffer Exhibit evidence which reflects Plaintiff's communications and communication attempts with these defendant parties. (See Plaintiff's Exhibits A thru R)

Plaintiff's Due Process and Equal Protection Rights are violated as the Office of the Attorney General as the adversary engages in exparte communication with the judges in PCR actions The

judges go so far as to accept the adversary parties' verbatim orders without taking any second look at those orders. The judges simply blindly sign the adversary's orders.

There truly exists a fox in the hen house within South Carolina's Post Conviction Relief processes and procedures. The Office of the Attorney General is that fox and should be removed from the hen house, as this office has no good faith intention and its being there is violative of the fundamental Constitutional rights. The Office of Attorney General represents the State of South Carolina in many ways and in many instances. If this is the representation South Carolina will choose - Plaintiff and citizens of this State alike are in trouble.

Plaintiff asks that all pleadings he has set forth and filed in this case be incorporated and treated as if stated fully herein.

Plaintiff files an Exhibit in this case which contains the necessary proofs which support Plaintiff's facts and claims presented within his pleadings.

This is a declaratory Judgment action – This case is one which simply asks that this court make a declaration as to Plaintiff's rights

Plaintiff ask that this court make a declaration as to the propriety of the allowance of the Office of Attorney to act as an procurator or proxy of the judges and clerks of court in PCR actions, and as to the Constitutionality of these actions on all parties, to include the supervisors' and all named parties liability.

Contrary to Defendant's assertions, Plaintiff does not ask this Court to change any laws or statutes, as the Plaintiff is fully aware that this is not possible as this Court and the adjudicator is of the Judiciary Branch rather than the Legislative Branch.

However, the South Carolina Legislature, and more important the Constitution of South Carolina, has provided this Court powers to provide a statement as to the propriety of and Constitutionality of statutes and actions.

This Court has jurisdiction over this matter pursuant to S.C. Code Ann. 15-53-20 and 15-53-30.

Pursuant to the Declaratory Judgments Act, specifically S.C. Code Ann. 15-53-20, this court has the power to declare rights, status answer other legal questions.

Again, most important, jurisdiction is given by Article V, Section 11 of the South Carolina Constitution.

The Summary Judgment Standard, Kitchen Planners, LLC v Friedman, 440 S.C. 456, 459, 892 S.E.2d 297, 299 (2023) (Rule 56(C) of the South Carolina Rules of Civil Procedure provides that the moving party is entitled to summary judgment 'if the [evidence before the court] shows[s] that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.' " (quoting Rule 56, SCRCP)).

Plaintiff has stated the actions of the Office of Attorney General, clerk of courts, judges, and others and it is important to note that the defendants have not denied performing those actions or engaging in the complained of conduct.

See S.C. Code Ann. 15-53-80, which states, "[[w]hen 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."

Plaintiff did in-fact bring these concerns to the attention of the 2019 PCR Court by way of objections. *See exhibits A thru R in the case at bar.* However, as the Office of Attorney General remains the action hands whom the motion objections would fall into, this was to no avail. It is certainly not reasonable to expect that the Office of Attorney General ensure the objections were scheduled, heard, and adjudicated upon.

Plaintiff has attempted to ask the Supreme Court of South Carolina to hear this case in its original jurisdiction. However, the South Carolina Supreme Court finds that Plaintiff should file the action in the Commons Pleas Court. See case:

Pursuant to the Declaratory Judgments Act, specifically S.C. Code Ann. 15-53-20, this court has the power to declare rights, status and answer other legal questions

See S.C. Code Ann. 15-53-130, which explains that the purpose of the available avenue of the Declaratory Judgment Act, is "to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations."

Further, the Declaratory Judgment Act "is to be liberally construed and administered."

WHEREFORE, Plaintiff objects to the unfair surprise hearing and would ask that opportunity be given for an additional hearing of oral arguments so that Plaintiff be provided opportunity present his case before a fair and impartial judge and tribunal. Removing the fingers which inequitably tilt the scales of justice in this State, this Court would and should find that summary dismissal of this case is not proper.

Respectfully Submitted,

Alonzo C. Jeter, III
Plaintiff / pro se

Evans Correctional Institution
610 Hwy 9, West
Bennettsville, South Carolina 29512

This 1st day of July, 2024

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**MOTION TO ALTER OR AMEND JUDGMENT** & MOTION FOR RECONSIDERATION
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	

FILED
2024 SEP 30 PM 3:07
JEANETTE W. WALTERS
RICHLAND COUNTY, S.C.

Plaintiff, Alonzo C. Jeter, III , comes hereby respectfully, pursuant to Rule 59(e), SCRCP, and moves the Court to alter or amend its judgment made on September 5, 2024, and entered and filed on September 13, 2024. Plaintiff also moves for reconsideration of the same.

Plaintiff received notice and a signed, copy of this order of dismissal on September 18, 2024, by and through Evans Correctional Mail System. Rosen, Rosen & Hagood v Hiller, 307 S.C. 331, 415 S.E.2d 117 (1992).

Plaintiff does understand that he must file this Rule 59(e), SCRCP, motion to preserve his issues raised. South Carolina Dept. of Transp. v First Carolina Corp. of S.C., 372 S.C. 295, 641 S.E.2d 903 (2007) ("It is a litigant's duty to bring to the trial court's attention any perceived error...")

Elam v South Carolina Dept. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004) ("A party may wish to file... a [Rule 59(e), SCRCP] 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.")

BACKGROUND

Defendants, separately, filed Motions to Dismiss seeking that this action be dismissed pursuant to Rules 12(b)(1) and (6), SCRCP.

This Court held a hearing regarding these motions via WebEx on July 13, 2024.

MOTION TO ALTER OR AMEND JUDGMENT

Unfair Surprise Hearing

This Court's order fails to provide a ruling as to Plaintiff's objection to lack of notice and its other aspects.

Plaintiff appeared at the hearing on the defendants' Motion to Dismiss. Plaintiff was totally blindsided by this hearing in this case and this was so because Plaintiff was only noticed and thus prepared to be in attendance for an unrelated case.

Plaintiff, appearing pro se, objected to the hearing, specifically the timing of the hearing, on the basis that the Court and the Defendant failed to provide Plaintiff notice of the hearing. Plaintiff's objection deemed this an unfair surprise hearing in violation of his constitutional rights to due process and notice.

This unfair surprise hearing was held on July 13, 2024, before the Honorable Judge Krisi Curtis . Plaintiff was present at this hearing, however, he attended this hearing totally unprepared and without any notes or files whatsoever with regard to this case. This was so because Plaintiff had no notice that any hearing in this case would be held on that date. The only cause and reasoning for Plaintiff to be present on that date derived from Plaintiff's receiving notice that he was to be present for a hearing for an unrelated case. It was that hearing that Plaintiff was present and prepared for, not the hearing on the case at bar. At the hearing, Plaintiff did object to the Court and Defendants' failure to provide him notice of the hearing. However, this Court would choose to proceed in violation of Plaintiff's rights to Due Process, fair notice and to be heard in a fair tribunal, all which are guaranteed by both the South Carolina Constitution as well as the United States Constitution. This was done despite Plaintiff's complaint regarding lack of notice and both the Court and defendant's lack of ability and failure to provide any proof of providing Plaintiff fair, proper, and sufficient notice.

Albeit, the Court gave Plaintiff additional time to submit any other material he wanted the Court to consider, this did not cure the prejudice which resulted from the lack of notice of the hearing. Plaintiff missed meaningful opportunity to refute things that the Defendants stated before the judge, to call the judge's attention to certain things, to ask questions, to cite any statutes case law, or rules of court, could not recall significant portion of all that was said during the hearing to allow him to provide any meaningful written rebuttal after the hearing.

Plaintiff clearly explained of Defendants' Counsels' gamesmanship with regard to the lack of notice given to Plaintiff in this case. Plaintiff further emphasized that it was this gamesmanship, along with action or inaction of the presiding judge, Richland County Clerk of Court and others, all in collaboration, whom failed to provide Plaintiff notice of the hearing.

This Court's order fails to provide a ruling as to Plaintiff's objection to lack of notice.

Correspondence Filed

Correspondence which was filed July 8, 2024 along with objections

The order fails to acknowledge and make a ruling as to the correspondence dated July 1, 2024, and filed July 8, 2024, and the inquiries made within which are clearly relevant to Due Process and fundamental fairness.

Plaintiff mailed this correspondence to the following addressed to the following:

Jeanette W. McBride, Clerk of Court; Jackie Pendergrass, Clerk of Court Admin; Athena Borer, Scheduler; Paul Gunter, Scheduler Supervisor; Honorable Kristi Curtis, presiding judge; Jocelyn Newman, Chief Admin Judge for the Fifth circuit Court of Common Pleas; J. Emory Smith, Jr., Defendant's counsel; Leon David Leggett, Defendant
Counsel.

Plaintiff's correspondence was concise and did simply ask a series of (4) four specific questions. Plaintiffs questions were, and as they have not been answered, they remain as follows:

(1)Plaintiff asked to be advised of who scheduled the hearing to be held on (the hearing date).
(2) Plaintiff asked to be advised of how Defendants' Counsels were noticed of the hearing.
(3) Plaintiff asked to be advised of whether or not Defendants' counsel scheduled the hearing.
(4) Plaintiff asked to be advised of whose ministerial duty and responsibility it was to provide him timely written notice of the scheduled date of the hearing.

To date, no person out of the (8) eight people who Plaintiff wrote this correspondence to has responded. The order fails to address the fact that inquiry was made on July 1, 2024 and filed on July 8, 2024, along with Plaintiff's objections which were made and filed on the same corresponding dates. It is both telling and that the presiding judge, all officers of the court, and defendants' counsels would decline to answer Plaintiff but rather remain silent as to such question(s) which are relevant to Due Process and fundamental fairness.

Plaintiff asks that the Court would allow its order to reflect this correspondence and provide answers to the same. The order fails to address this matter.

Inquiry As To Who Scheduled The July 13, 2024, Unfair Surprise Hearing

Plaintiff did raise both during the proceeding and within his correspondence to the (8) mentioned above, and sought to know exactly who scheduled the unfair surprise hearing.
The order also fails to acknowledge and specify who scheduled the hearing as well as who actually bore responsibility to provide Plaintiff fair notice of the hearing

Ex parte Actions Of Defendants' Counsels

Plaintiff also raised the issue of ex parte communications between Defendants' counsels, the presiding judge of this case, and other officers of the court. This order fails to address this matter regarding Defendants' Counsels.

Defendant's Counsels' and the Court's Violation of Rule 6(d), SCRCP

The order fails to make a ruling as to whether or not there was a Rule 6(d), SCRP, or other violation with regard to failure to provide Plaintiff fair and sufficient notice of the hearing. Specifically, a violation of the ten-day notice requirement for hearings. See page 3 of Plaintiff's Objection to Defendant's Request to Dismiss, wherein Plaintiff clearly demonstrates this violation by emphasizing Defendants' counsel, Leon David Leggett's email to Judge Curtis wherein Leggett informs Judge Curtis that the motion hearing is set for the next following day.

Motion For An Additional Hearing and Copy of Hearing Transcript

The order fails to specifically acknowledge, address, and adjudicate upon Plaintiff's motion filed on July 8, 2024, titled, "Motion For An Additional Hearing And A Verbatim Copy of the Hearing Transcript & Judicial Notice".

MOTION FOR RECONSIDERATION

Subject Matter Jurisdiction

This Court does not lack subject matter jurisdiction. This Court clearly has jurisdiction of the issues Plaintiff has brought before it as Plaintiff seeks a declaration of this Court. South Carolina Code 15-53-20 et seq., 'The Declaratory Judgments Act', provides this Court the jurisdiction and authority to exercise in this manner. Also, jurisdiction is provided by Article V, Section 11 of the South Carolina Constitution.

S.C. Code Ann. 15-53-30 states:
"Any person... whose rights, status, or other legal relations are affected by a statute,... may have determined any question of construction or validity arising under the instrument, statute, ordinance,.... and obtain a declaration of rights, status or other legal relations thereunder."

This order artfully declines to mention that this is an action brought pursuant to the Declaratory Judgment Act Rule 57, SCRCP,

The order fails to even acknowledge the fact that (1) Plaintiff has brought this action under the Declaratory Judgments Act, (2) that this is in-fact an action seeking a declaration /declaratory relief, (3) cite the standard for seeking Declaratory Judgment, (4) Plaintiff has in-fact raised these issues in PCR context during his 2019 PCR proceeding, and (5) Plaintiff has raised his issues and questions within both the Declaratory and Mandamus context - in the original jurisdiction of the South Carolina supreme Court.

In Footnote #2, which is on page 6 of the order, this Court states the following with regard to the notion that Plaintiff seeks to challenge his criminal conviction or sentence by way of this action seeking declaratory relief:
"The Uniform Post-Conviction Procedure Act takes the place of all other remedies to challenge the validity of a conviction or sentence.
S.C. Code Ann. 17-27-20(B) ("Except as otherwise provided in this chapter, it comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them.") Therefore, to the extent that this case would have the effect of challenging or undermining the validity of his criminal conviction, this action should be dismissed pursuant to Rule 12(b)(6). Of course, this suit is also time barred under the PCR Act."

It is correct, the South Carolina Legislature has in fact deemed that the Uniform Post-Conviction Procedure Act take the place of all other remedies to challenge the validity of a conviction or sentence. However, Important to note is the clear fact that Plaintiff does not bring this declaratory action seeking to challenge his conviction nor sentence. No question Plaintiff has submitted nor any relief Plaintiff has specifically set out in his Complaint can be interpreted as seeking to challenge Plaintiff's conviction or sentence. In fact, Plaintiff never as so much as mentions his criminal conviction, the charge(s) which he has been convicted of , nor his sentence. Rather Plaintiff brings this action seeking that this Court make a declarations as to the constitutionality of the processes and procedures exercised in post-conviction relief actions in South Carolina. This Court has the jurisdiction to make such determination.

This order artfully declines to mention that this is an action brought pursuant to the Declaratory Judgments Act and Rule 57, SCRCP.

S.C. Code Ann. 15-53-30 states:
"Any person... whose rights, status, or other legal relations are affected by a statute,... may have determined any question of construction or validity arising under the instrument, statute, ordinance,.... and obtain a declaration of rights, status or other legal relations thereunder."

Defendants contend, and this Court has erroneously agreed that, pursuant to Rules 12(b)(1) and (6), SCRCP, this Court lacks subject matter jurisdiction, and Plaintiff has failed to state facts sufficient to constitute a cause of action.

"The question of subject matter jurisdiction is a question of law." This Court commits an error of law in its failure to exercise jurisdiction.

This Courts order artfully declines to acknowledge or mention in any instance that this is an action brought pursuant to the Declaratory Judgments Act, S.C. Code Ann. 15-53-20, and Rule 57, SCRCP. The order doesn't do so much as even provide any statute or standard with regard to declaratory actions.

Rather, the order states that, "Plaintiff's Complaint asks this Court to issue an order with multiple provisions for the scheduling of post-conviction relief proceedings and the appointment of counsel in them."

The order next goes on to state that this court lacks authority to issue a statewide scheduling order, to schedule matters outside a pending PCR proceeding, nor to overturn the 2008 order of the Chief Justice. The order ultimately concludes that the Common Pleas court has no authority to do these things. However, importantly, Plaintiff has not asked that this Court do any of those things.

The order reframes Plaintiff's arguments and consequently fails to address Plaintiff's overall concerns and ultimately and consequentially uses this reframing to then contend that Plaintiff lacks standing, no justiciable controversy exists and that this Court lacks jurisdiction.

Plaintiff has not asked the Court to CHANGE any order or rule of the SC Supreme Court. Further Plaintiff has not asked the Court to CHANGE any statute or laws.

Rather, Plaintiff has brought this action simply seeking a DECLARATION of the Court as to the Constitutionality of orders, statutes, processes procedures, practices and customs employed and exercised within and by the PCR court. The Plaintiff seeks a DECLARATION as to his rights within PCR actions.

Pursuant to the Declaratory Judgments Act, this court has the power to declare rights, status and answer the questions Plaintiff has presented in this action.

S.C. Code Ann. 15-53-30 states:
"Any person... whose rights, status, or other legal relations are affected by a statute,... may have determined any question of construction or validity arising under the instrument, statute, ordinance,.... and obtain a declaration of rights, status or other legal relations thereunder."

S. C. Code A.. 15-53-130, which explains the purpose of the available avenue of the Declaratory Judgments Act, states:
"This chapter is declared to be remedial. Its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations. It is to be liberally construed and administered."

This Court has failed to construe and administer this chapter (which may be cited as the "Uniform Declaratory Judgments Act" S.C. Code 15-53-10) liberally. Rather instead the Court, in tandem with

Defendants' counsels, has opted to totally disregard the fact that this is an action seeking a declaration from this Court. This Court has instead reframed Plaintiff's Complaint as something which equates an appeal of Plaintiff's prior PCR action.

It is totally unreasonable to insinuate that Plaintiff is somehow late in bringing his claim and Plaintiff should have rather brought this action while the PCR action remained pending. This is unreasonable as there was no complete injury until the Common Pleas / PCR judge chose to dismiss the PCR action without acknowledging and adjudicating on Plaintiff's motions or hearing Plaintiff's complaints and explanations.

This order certainly introduces a very important question. When does a Common Pleas / PCR judge have to adjudicate a motion? If the judge has until the disposing of the case and the judge fails to acknowledge this motion - is there then no justiciable controversy with regard to the motion or the judge's act of failing to address the motion?

If the correct answer is that an appeal of this matter is available along with the issue of abuse of discretion, then where does this leave the complainant when even the appellate courts fail or refuse to acknowledge the judge's failures or refusals?

This is exactly why the declaratory judgment is available. An action for declaratory judgment is not an appeal and the court hearing a declaratory judgment action should not attempt to construe it as such

Plaintiff has been ping-ponged from court-to-court, seemingly because South Carolina's judiciary intends to turn a blind eye rather than looking to the procedural history of how Plaintiff circumstance developed. Plaintiff has brought these issues before the PCR in the 2019 PCR action and wasn't heard because the very actors and actions complained about were being performed by the exact same actors whom would be handling all aspects of the action.

It is unreasonable to determine that when a PCR applicant makes a complaint regarding the process and performance of the PCR court and judicial and executive officials of the PCR court that this complainant be forced to submit his complaint to the very actors who's actions the complainant complains of. This is not logical nor is it in any interest of fundamental fairness as it invites inherent bias, prejudice, and lack of both transparency and equitable justice.

The following provides the irrefutable proof that Plaintiff has in-fact raised his issues within the courts and proceedings wherein this Court and the Defendants assert are proper. See the following:

See Plaintiff's pleading titled, "Applicant's Motion To Alter Or Amend Judgment" which was filed on September 24, 2021, in the case of Alonzo C. Jeter, III, Case No. 2019-CP-11-0457

See Plaintiff's pleadings titled, "Supplemental/Amended Petitioner's Explanation" which was filed on July 28, 2022; and Plaintiff's pleading titled, "Supplemental/Amended Petitioner's Explanation Part II" which was filed on September 13, 2022; both of these pleadings were filed in the case of Alonzo C. Jeter, III, Appellate Case No. 2022-000750 as a Rule 243(c) Explanation to the South Carolina Supreme Court on appeal of the dismissal of Plaintiff's 2019 PCR case.

Standing

The Court concludes it lacks subject matter jurisdiction because Plaintiff has not alleged no justiciable controversy that this Court has subject matter jurisdiction to address. The order determines this because the Court determines that Plaintiff lacks standing.

To demonstrate standing, a plaintiff must show that: (1) she has suffered an injury in fact; (2) the injury is fairly traceable to the defendant's actions; and (3) the injury is likely to be redressed by a favorable decision of the court. Lujan v Defs. of Wildlife, 504 U.S. 555, 560-61 (1992). The injury alleged must be "concrete and particularized." id. at 560.

The order determines that Plaintiff fails to satisfy the three-part test established by the US Supreme Court, to establish standing. This three-part test specifies that Plaintiff
(1) must have suffered an injury in fact,
(2) there must be a causal connection between the injury and the conduct complained of, and the injury must be fairly traceable to the challenged action of the defendant, and
(3) it must be likely that injury will be redressed by a favorable decision

The Order determines Plaintiff fails to meet the standards necessary for standing because he has not raised his issues pursuant to a current application for post-conviction relief. The order rightfully acknowledges that Plaintiff's prior PCR action has ended. However in arriving at the decision as to standing, the Court contends Plaintiff has no "injury in fact," and even if he did, it would not be "likely" to be "redressed by a favorable decision" because this Court lacks the authority to overrule the Supreme Court's rules or orders. Plaintiff woyld emphasize as he has continually expressed- Plaintiff does not ask this Court to overrule any rules or orders of the South Carolina Supreme Court.

Plaintiff has clearly stated his injuries and the resulting prejudice which derives from those injuries. Plaintiff has also exclaimed the impact should this Court provide a declaration. It is unreasonable that Plaintiff would file a successive application for post-conviction relief without having the matters, issues and questions brought forth in this action addressed. The definition of insanity is to do something over and over again expecting a different result. (Albeit its near insanity for indigent pro se PCR applicants to proceed through the courts in the state due to the blatant willingness for the judiciary to turn a blind eye to the pro se prisoner's pleadings any meritous issues which are raised within.)

The order determines that scheduling and the appointment of counsel are governed by the Uniform Post-Conviction Relief Act, S.C. Code Ann. 17-1-10, et seq. including 17-27-70 which provides for summary dismissal when appropriate, and Rule 71.1, SCACR which provides that counsel should be appointed only when a hearing is required.

This statement, which is both a red herring and fallacy, overlooks and sidesteps Plaintiff's questions brought before this Court and Plaintiff's reasoning for having to come pursuant to the Declaratory Judgments Act seeking a declaration from this Court. Nothing in the PCR Act, South Carolina state law, nor South Carolina Rules of Civil Procedure deems nor appoints the agents of the Office of Attorney General or the assistants thereof, to make judicial decisions as to whether or not genuine issues of material fact exist within an indigent pro se PCR applicant's PCR action. Nor does any state law or rule of procedure enacted by the South Carolina Legislature provide authority or any mandate that the agents of the Office of Attorney General or the assistants thereof to make determinations of whether a motions filed by a pro se PCR applicant are adjudicated upon, scheduled to be placed before the PCR judge,

motions be forwarded to these adversary parties from the clerks of courts rather than being placed on the motions scheduling roster and docket by the clerk her/himself, nor making the ultimate determination as to whether or not counsel is appointed. Plaintiff's issues arise as the PCR judge's have failed to perforn their ministerial duties of adjudicating. The judges have, instead and with the aid of the clerk of court, handed the judges' ministerial duties of adjudicating over to the agents of the Office of the Attorney General hese same agents being the adversary in South Carolina's PCR actions. See City of Rock Hill v Thompson, 349 S.C. 197, 563 S.E.2d 101 (2002) (explaining that "[a judge's] act of ruling is ministerial in nature."])

Reframing of Plaintiff's Issues, Questions, and Type of Pleading

This Court and its order fails to consider Plaintiff's allegations as true. Rather, this Court and its order has effectively (1) reframed Plaintiff's questions presented, (2) dismissed the action based on red herrings and fallacies, and have overlooked and sidestepped the questions presented.

Albeit the order correctly determines that Plaintiff seeks to challenge the October 6, 2008, order of former Supreme Court Chief Justice Toal, titled "Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court", Plaintiff's issues, questions and quest for declaration encompasses much more than this order.

The order, effectively reframing Plaintiff's questions, incorrectly asserts that Plaintiff asks this Court to issue a statewide scheduling order, to schedule matters outside a pending PCR proceeding or to overturn the 2008 order of the former Chief Justice. In addition, Plaintiff has not asked this Court to overrule precedent of the Suprene Court of South Carolina, just as Plaintiff has not asked this Court to overturn rules and administrative orders of the Supreme Court. Plaintiff asks that the Court and its order adjudicate upon and allow the order to reflect the issues and questions Plaintiff has brought before it specifically. These are stated clearly and are specfically found within Plaintiff's Complaint filed in this action on pages 3-4 and pages 10-12.

Plaintiff does realize it seemingly strains the South Carolina's courts and officers of the court especially when actions are brought to be unbiased against prisoners and thus adt seemingly strainsvocates for the State and Office of the Attorney General. This Court should be impartial and willing to hear Plaintiff and look at Plaintiff's issues for what they are. The agents of the Office of the Attorney General are amicie and that makes it very difficult for both Plaintiff and this Court but for totally distinct reasons.

Thomas v Union Carbide Agric. Prods. Co., 473 U.S. 568, 580, 105 S.Ct. 3325 (1985) (internal quotation marks omitted) "Ripeness is peculiary a question of timing." Plaintiff had to wait until the Defendants' actions were complete. The actions were complete after Plaintiff tried to appeal the actions and the appellate Court chose to tacitly join in on the injustice by turning a blind eye.

Plaintiff is suffering an invasion of a legally protected interest that is concrete and particularized and is actual and imminent. See Spokeo Inc. v Robins, 578 U.S. 330, 136 S.Ct 1540, 1548 (2016) (To establish injury in fact, a plaintiff must show that he or she suffered 'an invasion of a legally protected interest' that is 'concrete and particularized' and 'actual or imminent, not conjectural or hypothetical' ")

It's akin to a person who gets punched in the face by a state actor. Article III standing, if strictly applied, would prevent this person from bringing suit.. because the punch is not continuous and ongoing and it is is only hypothetocal that the state actor will punch him in the face in the future.

Plaintiff points to many instances where he has been punched in the face by state actors within South Carolina's inequitable PCR system. Plaintiff, in showing this shows that it is likely that he will receive redress because the barriers to justice which Plaintiff complains of will be removed. With those barriers removed, Plaintiff would then be free to both file a successive PCR application and have the motions he files in his PCR action adjudicated upon. Having his motions adjudicated upon, Plaintiff more likely than not will receive appointment of counsel. This is so because Plaintiff's first PCR application he filed seeking to challenge his convictions was summarily dismissed without the PCR court affording him appointment of counsel so as to sufficiently set forth his PCR grounds and facts as required under Rule 71.1(d), SCRCP. See Case v State, 277 S.C. 474, 289 S.E.2d 413 (1982)

Case v State allows the filing of a successive application for PCR in those cases such as plaintiff's; specifically, when the PCR applicant's prior PCR action was (1) his first PCR action challenging the conviction (2) and the first PCR action was summarily dismissed without providing the PCR applicant appointment of counsel. This happened to Plaintiff. See Alonzo C. Jeter, III v Tucker, 2:19-cv-1945-MGL-MGB (D.S.C. 2020), 2020 WL 1102231; See 2017 PCR case, Alonzo C. Jeter, III v State, 2017-CP-11-00486; See 2019 PCR case, Alonzo C. Jeter, III v State, 2019-CP-11-00457.

In addition, this would significantly remove the possibility that Plaintiff will be prevented pursuant to Maxton Orders from diligently pursuing his rights. See In re Maxton, 325 S.C. 3, 478 S.E.2d 679 (1996)

Plaintiff has been extremely diligent in pursuing his rights. Important to note, the Court doesn't have any bright line rule or set number of actions it allows a prisoner to file before applying Maxton to the prisoner. Rather, the Maxton orders come and are placed upon prisoners without any fair warnings. Nothwithstanding, even if the prisoner was given warnings, this would be practically meaningless as it is often the agents of the Office of the Attorney General (the adversary in the case) whom makes the ultimate determination as to whether or not a prisoner's action lacks merit and is frivolous or not.

Plaintiff has come full circle with this as the injustice which exists within South Carolina's PCR process does the same. The injustice as applied to Plaintiff and South Carolina prisoners is simply wash, rinse, and repeat. Plaintiff would argue that South Carolina and Louisiana share the same playbook with regard to violating the Constitutional rights of its pro se PCR applicants. See 'The Scandal that Never Happened', https://www.propublica.org/article/louisiana-judges-ignored-prisoners-petitions-without-review-fifth-circuit

Res Judicata

This action is not barred by Res Judicata. This Court and its order determines that Plaintiff either raised or could have raised the issues he brings before this Court in his 2019 PCR case. This this Court determines that Plaintiff is barred from bringing these claims before this Court due to Res Judicata.

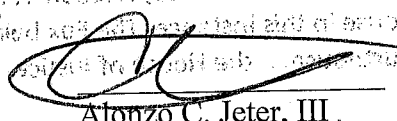
("An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.").

It is evident this Court would like to construe this action as one for post-conviction relie albeit Plaintiff has continually emphasized that he does not seek to challenge his conviction or sentence by way of this action. Statute of limitations is not applicable.

WHEREFORE, Plaintiff prays the Court would alter or amend its judgment. Plaintiff asks also that reconsider its ruling and ultimately DENY the Defendant's motions to dismiss.

Respectfully submitted,

Respectfully Submitted,



Alonzo C. Jeter, III
Plaintiff / pro se
Evans Correctional Institution
610 Hwy 9, West
Bennettsville, South Carolina 29512

This 26 day of September, 2024

Plaintiff would emphasize Res Judicata does not bar any issue which was not adjudicated in a prior action. This Court rightfully determines that Plaintiff did raise these issues in his lrior 2019 PCR action Plaintiff raised these issues and questions as both objections and also pursuant to the clause existing within the PCR Act which states that the Act "comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them."

However, although Plaintiff raised these issues and questions, they were left unadjudicated upon. This Court should understand that as Plaintiff raises objections and seeks declarations regarding the propriety and constitutionily of the PCR Court, and the officers thereof - it is unreasonable that the Plaintiff would have expected anything else different than the turning of a blind eye just as the PCR court did. Secondly, and most importantly, any filings Plaintiff made to the PCR court were simply forwarded by the clerk of court over to the Office of Attorney General who is deemed the adversary. As both adversary and controller of whether filings will be scheduled and placed before the judge to br adjudicated, again, it is totally unreasonable that the Plaintiff would have expected anything else different than the turning of a blind eye just as the agents of the Office of Attorney General as well as the PCR court did. The PCR Judge, agents of the Office of Attorney General, and the clerk of courts essentially

Simply put, this was the classic Catch 22, Hobson's Fork, and Sophie's Choice. In otherwords, the Fox is guarding the Hen House in this instance. The Fox being the agents of the Attorney General and the Hen House being the Courthouse,... the House of Justice.

Riedman Corp. v Greenville Steel Structures, Inc., 308 S.C. 467, 469 419 S.E.2d 217, 218 (1992) ("To establish res judicata, three elements must be shown: (1) identity of the parties; (2) identity of the subject matter, and (3) adjudication of the issue in the former suit.")

Viewing the allegations within the complaint in the light most favorable to the Plaintiff, the court should find the second and third elements of res judicata unmet. With regard to ghe identity of the parties element, it is clear the parties are not the same as to any other state sction the Plaintiff has brought before the courts As for the identity of the subject matter element, Plaintiff's claim involves ..... And so, the subject matter is different. As for the third element, there has not been a prior adjudication of the issues brought forth in the complaint, nor have there been an action whereby the issues could have been raised or were raised and were heard and adjudicated on.

For the doctrine of res judicata to be applicable, there must be: a final judgment on the merits in a prior suit. Martin v Am. Bancorp. Ret. Plan, 407 F.3d 643, 650 (4th Cir. 2005)

Here, there was no final judgment on the merits in any prior suit.

Statute of Limitations

This case is not barred by any statute of limitations.
Interestingly, the order expresses that Plaintiff's claim is barred by the statute of limitations. When expressing its reason for deeming this action time barred, the order cites to the PCR Act. Specifically, the order cites to S.C. Code Ann. 17-27-45(A) which states.

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**MOTION FOR A HEARING ON THE RULE 59(E), SCRCP MOTION**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	

FILED
RICHLAND COUNTY
2024 SEP 30 PM 3:07
JEANNETTE W. WALTERS
CLERK OF COURT

Plaintiff, Alonzo C. Jeter, III , comes hereby respectfully and moves the Court to convene a hearing on his Rule 59(e), SCRCP, motion Plaintiff files in this case.

As this case is one which is complex, novel, and has a unique posture the interest of justice would require that a hearing, which would allow for a fully transcribed proceeding, would be convened that the same would be available for the Appellate Court and any and all other interested parties.

This case does involve several matters which are of significant public interest.

WHEREFORE Plaintiff prays the Court will convene a hearing on this Rule 59(e), SCRCP motion, that Plaintiff will be provided fair and silufficient notice of the hearing, and that Plaintiff would be cause to be made present for an in-face hearing by way of an order for transportation.

Respectfully Submitted,

Alonzo C. Jeter, III
Plaintiff / pro se

Evans Correctional Institution
610 Hwy 9, West
Bennettsville, South Carolina 29512

95

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs State of South Carolina, Alan McCrory Wilson, Chelsey Marto, J. Derham Cole J. Mark Hayes, II, Ralph Keith Kelly, Brandy W. McBee, Tonnya K. Kohn, Jean Hoefer Toal, Donald Beatty, ~~Defendants.~~	**MOTION FOR JUDICIAL NOTICE** **&** **FOR ADDENDUM TO RULE 59(E)** **MOTION TO ALTER OR AMEND JUDGMENT**

Plaintiff, Alonzo C. Jeter, III, hereby comes respectfully and moves this Court to take Judicial notice of filings which have been concealed by the South Carolina Supreme Court. Plaintiff also moves that such notice and the below filings and others which are material bee acknowledged, reviewed, and thoroughly considered when adjudicating the matters of the case at bar. Plaintiff has filed a Rule 59(e) Motion To Alter or Amend Judgment & Motion For Reconsideration in the case at bar and asks that notice of these case filings be incorporated as if fully set forth therein.

Petition for Declaratory Judgment and

Plaintiff filed a Petition for Mandamus in the original jurisdiction of the South Carolina Supreme Court under Alonzo C. Jeter, III v Cole, et al, Appellate Case No. 2022-000120.

Plaintiff also filed a Common Law Petition / Petition for Habeas Relief in the original jurisdiction of the South Carolina Supreme Court under Alonzo C. Jeter, III v State of South Carolina, Appellate Case No. 2023-001607.

Plaintiff did cite to these cases within his complaint and objections, however, Petitioner has just become informed that those pleadings are listed as available on the Supreme Court's C-Track management system. Not

As these filings are certainly material to this case at bar and the matters and issues raised within, Plaintiff asks this Court that it would take Judicial notice that these filings do exist are actual cases he pursued within the South Carolina Supreme Court, and would confirm its review of these filings within this Court's order. See also Alonzo C. Jeter, III v State, App Case No. 2022-000750 App pgs. 247, 266, 320, 450 and 555 as relates to any notion that the issues must be raised during a pending PCR action, and PCR Act encompasses such issues (see Rule 243(c) Explanations).

Respectfully submitted,

s/

Alonzo C. Jeter, III
PLAINTIFF / *pro se*
LEE Correctional Institution
~~Evans Correctional Institution~~
~~610 Hwy 9 West~~ 990 Wisacky Hwy
~~Bennettsville~~, South Carolina 29512
Bishopville 29010

This ~~28th~~ 4th November day of ~~October~~, 2024
~~Bennettsville~~, South Carolina
Bishopville

96

January 20, 2025

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

The Honorable Jeannette W. McBride
Clerk, Richland County Court
Richland County Judicial Center
1701 Main Street
Post Office Box 2766
Columbia, South Carolina 29201-9201

RICHLAND COUNTY
FILED
2025 JAN 27 PM 2:21
JEANNETTE W. McBRIDE
CLERK OF COURT

RE: Alonzo C. Jeter, III v State of South Carolina et al
Case No. 2024-CP-40-01737

Dear Ms. McBride:

Please find enclosed for filing, the (1) Plaintiff's Renewed Motion for a Hearing on his Rule 59(e), SCRCP Motions and Plaintiff's Renewed Motion for a New Trial and Motion for Judicial Notice of Public Interest/Public Importance and a Ruling with Regard to the Same, (2) Plaintiff's Motion to Amend Complaint, and a (3) Certificate of Mailing and Service.

Please find also an additional copy of these documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of the same by way of the provided SASE.

Thank you for your attention in this regard.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Alonzo C. Jeter, III
PLAINTIFF,

vs

State of South Carolina; Alan McCrory Wilson; Chelsey F. Marto; Joseph Derham Cole; Mark J. Hayes, II; Ralph Keith Kelly; Brandy W. McBee; Teanya K. Kehn; Jean Hoefer Teal; Donald D. Beatty,
DEFENDANTS.

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

Case No. 2024-CP-40-01737

CERTIFICATE OF MAILING AND SERVICE

(Brown v Powell, 187 F3d 628 (4th Cir. 1999); Johnson v Fogan, No. 23-6721 (4th Cir. 2023); Mose v State, 420 SC 500, 803 SE2d 718 (2017); 28 USC §1746)

RICHLAND COUNTY FILED
2025 JAN 27 PM 2:21
JEANETTE W. McBRIDE
CLERK OF COURT

I, Alonzo C. Jeter, III, hereby certify under penalty of perjury under the laws of the United States of America that I have mailed a copy of the (1) Plaintiffs Renewed Motion for a Hearing on his Rule 59(e), SCRCP Motion and Plaintiffs Renewed Motion for a New Trial and Motion for Judicial Notice of Public Interest / Public Importance and a Ruling with Regard to the Same, (2) Plaintiffs Motion to Amend Complaint, and have served the same on the Defendants by placing the same inside of postage authorized to be prepaid envelopes and by placing said envelopes in possession of Lee Correctional Institution's mailing system on this 20th day of January, 2025, for mailing via the United States Postal Service, addressed as follows: Hon. Jeanette W. McBride, Clerk, Richland County Court, 1701 Main Street, Columbia SC 29201-9201; Hon. Kristi F. Curtis, Judge, Sumter County Judicial Center, 215 North Harvin Street, Sumter SC 29150; J. Emory Smith, Jr., Deputy Solicitor General, Office of the Attorney General, PO Box 11549, Columbia SC 29211; L. David Leggett, AAG, Office of the Attorney General, PO Box 11549, Columbia SC 29211.

S/ _____
Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, PLAINTIFF, v State of South Carolina; Alan McCrory Wilson; Chelsey F. Marto; Joseph Derham Cole; Mark J. Hayes, II; Ralph Keith Kelly; Brandy W. McBee; Teanya K. Kohn; Jean Hoefer Toal; Donald D. Beatty, DEFENDANTS.	Case No. 2024-CP-40-01737 PLAINTIFF'S RENEWED MOTION FOR A HEARING ON HIS RULE 59(e), SCRPC MOTIONS. (RULE 59(f), SCRCP) AND PLAINTIFF'S RENEWED MOTION FOR A NEW TRIAL (RULE 59(6), SCRCP) AND MOTION FOR JUDICIAL NOTICE OF PUBLIC INTEREST / PUBLIC IMPORTANCE AND A RULING WITH REGARD TO THE SAME (Rule 59(e) SCRCP

Plaintiff, Alonzo C. Jeter, III, comes hereby respectfully and renews his motion for a hearing on the Rule 59(e), SCRCP, motions he has filed in this case. (Rule 59(f), SCRCP)

Plaintiff also renews his motion for a new trial. (Rule 59(6), SCRCP)

Plaintiff seeks that the Court would provide judicial notice of his argument which he made during the hearing of this case and that his argument as to standing be both liberally construed and be also construed to include Plaintiff's assertion as to public interest; being this case and the issues thereof fall under the public importance exception. See ATC South, Inc. v Charleston County, 380 SC 191, 669 SE 2d 337 (2008) ("The key to the "public importance" analysis

RICHLAND COUNTY FILED 2025 JAN 17 PM 2:21

in determining whether a party has standing is whether a resolution is needed for future guidance.") Certainly future guidance is needed regarding the novel questions and issues Plaintiff and this case in general brings before the Court. Plaintiff ask that this Court make a ruling with regard to the applicability of public importance/public interest as the Court realizes Plaintiff is raising claims regarding the propriety of government action.

Public importance standing centers around scrutinizing government action. See e.g., Baird v Charleston Cnty., 333 SC 519, 511 SE2d 69 (1999) (scrutinizing county action); S.C. Pub. Int. Found v S.C. Dep't of Transp., 421 SC 110, 119, 804 SE2d 854, 859 (2017) (reviewing state agency action); S.C. Pub. Int. Found v Wilson, 437 SC 334, 342, 878 SE2d 891, 895 (2022) (applying the public importance exception to the attorney general's action).

Furthermore, the key to public importance standing is the need for future guidance. See, e.g., Vicary v Town of Awendaw, 425 SC 350, 359, 822 SE2d 600, 604 (2018) (finding "future guidance [was] needed to determine the validity of the Town's [conduct]"); ATC S., Inc. v Charleston County, 380 SC 191, 198, 669 SE2d 337, 341 (2008) (Public importance standing is "conferred upon a party when an

issue is of such public importance as to require its resolution for future guidance."); Youngblood v South Carolina Dept. of Social Services, 402 SC 311, 741 SE2d 515 (2013) ("Standing... may exist by statute, through the principles of constitutional Standing, or through the public importance exception.") Plaintiff seeks a ruling as to this applicability.

Plaintiff asks that this Court not reframe Plaintiffs' issues, questions, and type of pleading - nor allow the Red Herrings of the Defendants to persuade this Court to reframe these things. This Court has reframed Plaintiffs' pleading to that of a Writ of Mandamus rather than a Declaratory action. The Court's order misses the mark as it fails to address anything Plaintiff has brought before it. See Quackenbush v Allstate Ins. Co., 517 U.S. 706, 116 S.ct 1712 (1996) (explaining that it is a "courts duty to adjudicate a controversy properly before it.")

Plaintiff begs the Courts indulgence with regard to all cases and attempts Plaintiff has cited to within his Addendum to the Rule 59(e) motion - which was filed with the Court on November 12, 2024. These cases provide the Court explicit shewings of proof that Plaintiff did try to present his declaratory claims within the context of his then pending PCR action pursuant to S.C. Code Ann. 17-27-20(B).

Lastly, Plaintiff also informs the Court that he also files a Motion to Amend his complaint, in conjunction with this pleading.

Plaintiff asks that his amendment argument and issue of the public importance/public interest exception as to standing be accepted.

Should this Court for some reason select not to provide this equitable opportunity of amending and accept Plaintiff's amended argument in this regard - Plaintiff seeks that the Court clarify and provide that the dismissal is without prejudice.

S. Walk at Broadlands Homeowners Ass'n, Inc. v OpenBand at Broadlands, LLC, 713 F3d 175, 185 (4th Cir. 2013) ("A dismissal for lack of standing - or any other defect in subject matter jurisdiction - must be one without prejudice, because a court that lacks jurisdiction has no power to adjudicate and dispose of a claim on the merits."); Adams Outdoor Advertising Limited Partnership v Beaufort County, 105 F. 4th 554 (4th Cir. 2024) (stating the same).

Respectfully submitted,

Atenzo C. Deter, III
PLAINTIFF/pro se
Lee Correctional Institution
990 Wisacky Hwy
Bishopville, South Carolina 29010

This 20th day of January, 2025

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Alonzo C. Jeter, III,
PLAINTIFF,

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 Hoefer Toal; Donald D. Beatty,
DEFENDANTS,

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

Case No. 2024-CP-40-01737

PLAINTIFF'S MOTION TO AMEND COMPLAINT
(pursuant to Rule 15(a), SCRCP)

RICHLAND COUNTY
FILED
2025 JAN 27 PM 2:21
JEANETTE W. McBRIDE
CLERK OF COURT

Plaintiff, Alonzo C. Jeter, III, comes hereby respectfully, and moves the Court pursuant to Rule 15(a), SCRCP, for leave to amend his complaint. Plaintiff further submits that leave to amend would be both proper and equitable in this case, as the Defendants would suffer no prejudice, the amendment would not be futile, and Plaintiff's quest to amend his complaint is not sought in bad faith nor with any dilatory motive; but rather comes only after Plaintiff has performed necessary research which would allow him to correct a major deficiency - being his failure to raise

the public interest/public importance exception with regard to standing.

Youngblood v South Carolina Dept. of Social Services, 402 SC 311, 741 SE2d 515 (2013) ("Standing ... may exist by statute, through the principles of constitutional standing, or through the public importance exception."); ATC S., Inc. v Charleston County, 380 SC 191, 198, 669 SE2d 337, 341 (2008) (Public importance standing is "centered upon a party when an issue is of such public importance as to require its resolution for future guidance."); Public importance standing centers around scrutinizing government action. See e.g., S.C. Pub. Int. Found v S.C. Dep't of Transp., 421 SC 110, 119, 804 SE2d 854, 859 (2017) (reviewing state agency action); S.C. Pub. Int. Found v Wilson, 437 SC 334, 342, 878 SE2d 891, 895 (2022) (applying the public importance exception to the attorney general's action).

Maybank 2754, LLC v Zurlo, 444 SC 47, [redacted] 906 SE2d 94 (2024) ("Rule [15(a), SCRCP] governing amendment of pleadings strongly favors amendments and a court is encouraged to freely grant leave to amend.")

Leave to amend and accept Plaintiffs' amendment would be proper due to the complexities which exist and have existed within this case and its novel posture and novel issues raised within.

Plaintiffs' amendment is not made in bad faith nor with any dilatory motive and the Defendants would not suffer any prejudice thereby.

Lastly, should this court select not to accept Plaintiffs' amendment and would rather choose to dismiss Plaintiff's complaint - Plaintiff requests the Court allow and specify the case to be dismissed without prejudice (albeit the Plaintiff disagrees that this would serve the interest of Judicial economy, because Plaintiff would certainly bring his action right back before the court.)

S. Walk at Broadlands Homeowner's Ass'n, Inc. v Openband at Broadlands, LLC, 713 F3d 175, 185 (4th Cir. 2013) ("A dismissal for lack of standing - or any other defect in subject matter Jurisdiction - must be one without prejudice, because a court that lacks Jurisdiction has no power to adjudicate and dispose of a claim on the merits.") See also, Adams Outdoor Advertising Limited Partnership v Beaufort County, 105 F.4th 554 (4th Cir. 2024) (stating the same).

It is certainly clear that this case meets the public interest, public importance exception and that future guidance is needed - because the conduct which is conduct of the State, state agencies, attorney general's office, clerk of court, the office of Court Administration, and Judges are actually routine practices, customs, procedures, and policies which are and will be repetative. Plaintiff questions the propriety of these things-

Spence v Spence, 368 SC 106, 129, 628 SE2d 869, 881 (2006) ("The plaintiff in most cases should be given an opportunity to file a diligent amended complaint.")

Respectfully submitted,

Alonzo C. Jeter, III
PLAINTIFF / pro se
Lee Correctional Institution
990 Wisacky Hwy
Bishopville, South Carolina 29010

This 20th day of January, 2025

COPY

106

January 25, 2025

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

Office of the Clerk
Richland County Court
Richland County Judicial Center
1701 Main Street
Post Office Box 2766
Columbia, South Carolina 29201-9201

RICHLAND COUNTY
FILED
2025 JAN 31 PM 3:54
JEANETTE W. McBRIDE
CLERK OF COURT

RE: Alonzo C. Jeter, III v State of South Carolina et al
Case No. 2024-CP-40-01737

Dear Ms. McBride:

Please find enclosed for filing, the (1) Plaintiff's Supplemental Motion To Alter or Amend Judgment II, and (2) Certificate of Service for the same.

Please find also an additional copy of these documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of the same by way of the provided SASE.

Thank you for your attention in this regard.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Alonzo C. Jeter, III,
PLAINTIFF,

v

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

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

CASE NO. 2024-CP-40-01737

CERTIFICATE OF MAILING AND SERVICE

(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); 28 USC. §1746)

RICHLAND COUNTY FILED
2025 JAN 31 PM 3:54
JEANETTE W. McBRIDE CLERK OF COURT

I, Alonzo C. Jeter, III, hereby certify under penalty of perjury under the laws of the United States of America that I have mailed a copy of the "Plaintiff's Supplemental Motion To Alter or Amend Judgment II", and have served the same on the Defendants by placing the same inside of postage prepaid envelopes and by placing said envelopes in possession of Lee Correctional Institution's mailing system on this 25th day of January, 2025, for mailing via the United States Postal Service, addressed as follows: Hon. Jeanette W. McBride, Clerk, Richland County Court, 1701 Main Street, Columbia SC 29201-9201; Hon. Krish F. Curtis, Judge, Sumter County, Judicial Center, 215 North Harvin Street, Sumter SC 29150; J. Emory Smith, Jr., Deputy Solicitor General, Office of the Attorney General, PO Box 11549, Columbia SC 29211; L. David Leggett, AAG, Office of the Attorney General, PO Box 11549, Columbia SC 29211.

/s/
Alonzo C. Jeter, III

Copy

108

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, PLAINTIFF, 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 Hoefer Toal; Donald D. Beatty, DEFENDANTS.	CASE No. 2024-CP-40-01737 PLAINTIFF'S SUPPLEMENTAL MOTION TO ALTER OR AMEND JUDGMENT II (pursuant to Rule 59(e), SCRCP)

RICHLAND COUNTY
FILED
2024 OCT 21 PM 2:51
JEANETTE W. McBRIDE
CLERK OF COURT

Plaintiff, Alonzo C. Jeter, III, comes hereby respectfully, and moves the Court to alter or amend its Judgment made on September 5, 2024, and entered and filed on September 13, 2024.

Plaintiff received notice and a signed copy of the court's order of dismissal on September 18, 2024, by and through Evans Correctional Institution's Legal Mail system. Rosen, Rosen, & Hagood v Hiller, 307 S.C. 331, 415 SE2d 117 (1992).

Plaintiff timely filed a Motion to alter or amend Judgment on September 30, 2024. Plaintiff has also requested the Court allow him opportunity to amend his complaint so as to allow

his complaint to reflect the public interest/public importance exception as to Article III standing.

Plaintiff comes now seeking to make a supplemental amendment to his Motion to Alter or Amend Judgment.

INJUNCTIVE RELIEF

Plaintiff seeks that the Court would make a ruling as to his request for injunctive relief. On pages 10 through 12 of Plaintiffs' Complaint he did provide a detailed listing of these matters and issues which he sought the Court would address, address the propriety of these actions or inactions, and to make declarations thereof.

Plaintiff did also request in his Complaint, that the Court provide an Order which would prevent the Defendants from exercising in the unconstitutional conduct in the future - the conduct, actions, inactions, procedures, customs, policies, etc which Plaintiff complains of within his Complaint.

Plaintiff did request for a prospective injunction.

PROSPECTIVE INJUNCTION

Plaintiff did specifically request this Court to grant prospective injunction along with declaratory relief. Plaintiff did so because he did also explain that the Defendants' unconstitutional actions were not "single-one time occurances", but were ongoing, continues

and was certain to happen in the future. Plaintiff can be sure that the Defendants' actions are repetitive and are ongoing, and this Court can be sure also.

This is because the Defendants' actions are customs, and are of regular practice and procedure, conduct, customs, policies, and are their norms. Plaintiff has provided the Court history of the Defendants' actions, as well as many documents proving that the Defendants' actions and inactions are procedural, are of regular practice, customary, policies, and ~~are~~ are of their norm.

The lack of a declaration and prospective injunction will leave the Defendants with no incentive to correct their conduct and align their behavior with the mandates of the South Carolina and United States Constitutions.

Plaintiff and any other post-conviction relief applicant who seeks post-conviction relief within South Carolina Judicial system is at risk and remains at risk, both present and future, that the Defendants' acts will lead to and result in the same exact denials, failures, and injuries with regard to fundamental fairness, which Plaintiff has experienced and does continue to experience.

It is not safe that Plaintiff would again attempt to file a pro se successive application for post-conviction relief

Unless and until this Court provides a declaration and provides an order granting prospective injunctive relief, as to the matters and issues and complaints Plaintiff brings before the court.

Plaintiff must bring the Court's attention to the States' "Maxten Orders." See, In re Maxten, 325 SC 3, 478 SE2d 679 (1996).

The Courts issue these "Maxten Orders" without any forewarning to the litigants. Should Plaintiff attempt to file a pro se successive application for post-conviction relief, the court is almost certain to place a "Maxten order" on the Plaintiff. Again this is a result and the residue of the violation of seperation of power, as it is actually the adversary of the case who makes the ultimate determination as to whether or not the case presents meritous issues, genuine issues of material fact, etc. As complained about - the judges do not make independant determinations - but rather they simply sign off, adopting, the Defendants' proposed orders verbatim and as is.

TransUnion LLC v Ramirez, 594 US 413, 435-36, 141 Sct 2190 (2021) (recognizing that material risk of future harm can satisfy the standing requirements in the context of a claim for injunctive relief to prevent the harm from occuring

if the risk of harm is sufficiently imminent and substantial); Pembaur v City of Cincinnati, 475 US 469, 480-81 (1986) ("The official policy" must "refer[] to formal rules or understandings - often but not always committed to writing - that are intended to, and do, establish fixed plans of action to be followed under similar circumstances consistently and over time."); Indus. Servs. Grp. Inc. v Dobson, 68 F4th 155, 164 (4th Cir. 2023) ("'[the plaintiff] need not prove that Defendants' alleged ... actions are an ongoing or continuing violation of the [Constitution]. Rather, it is sufficient that [the] Complaint merely alleges the ongoing behavior."); Starbuck v Williamsburg James City Cnty. Sch. Bd., 28 F.4th 529, 533 (4th Cir. 2022) ("To show that a [Defendant's] policy or custom [] caused the injury, the plaintiff must allege that the policy or custom arose in one of four ways: (1) through an express policy, such as a written ordinance or regulation; (2) through the decisions of a person with final policymaking authority; (3) through an omission, such as a failure to properly train officers, that "manifest[s] deliberate indifference to the rights of citizens"; or (4) through a practice that is so "persistent and widespread" as to constitute a "custom or usage with

the force of law." (quoting Lytle v Doyle, 326 F3d 463, 471 (4th Cir. 2003))

Respectfully submitted,

Alonzo C. Jeter, III
PLAINTIFF/pro se
Lee Correctional Institution
990 Wisacky Hwy
Bishopville, South Carolina 29010

This 24th day of January, 2025.
Bishopville, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT
Case No. 2024-CP-40-01737

Alonzo C. Jeter, III,
PLAINTIFF,

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 Hoefer Toal; Donald D. Beatty,
DEFENDANTS.

MOTION FOR RELIEF FROM JUDGMENT, ORDER, & PROCEEDING (Pursuant to Rule 60(b), SCRCP)

RICHLAND COUNTY FILED
2025 MAR -7 AM 9:36
JEANETTE W. McBRIDE
CLERK OF COURT

Plaintiff, Alonzo C. Jeter, III, comes hereby respectfully and moves the Court for relief from Judgment, order, and proceeding.

Specifically, Plaintiff was subjected to an unfair surprise hearing, which was held on July 13, 2024, before the Honorable Kristi Curtis. Plaintiff was caused to be present at this hearing by way of surprise, trickery, gamesmanship and did object to the lack of notice and the hearing in general on this basis.

Plaintiff has provided both testimony at the surprise hearing and evidentiary proof of the lack of notice - and neither was refuted by the Defendants nor the Court.

Plaintiff has filed post-trial motions which also bring attention to this matter, and does incorporate all things said within as if fully ~~stated~~ herein.

Plaintiff files this motion pursuant to Rule 60(b), SCRCP, out of an abundance of caution, so as to seek to ensure that the Defendants' acts of trickery and gamesmanship are fully acknowledged and addressed by the Court and that an order of the Court does reflect such.

Plaintiff ultimately prays that this Court would grant relief of Judgments, order, and the proceedings which has taken place in this case - and that the Court would allow a rehearing on the matter of this case, accept Plaintiffs motion to amend his complaint to address and assert public importance as standing, and that Plaintiff be allowed a hearing which is free of bias, prejudice, partiality, trickery, and gamesmanship, but is rather a Court which is fair, just, and equitable.

Respectfully submitted,

Alonzo C. Jeter, III
PLAINTIFF / pro se
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, South Carolina 29010

This 13th day of February, 2025

From:	Emory Smith
To:	PAUL GUNTER
Cc:	Newman, Jocelyn Law Clerk (Bailey McDaniel); Newman, Jocelyn Secretary (Nazalre Rutledge); David Leggett; Harley Kirkland; DGoodsteinlc@sccourts.gov; DGoodsteinSC@sccourts.gov
Subject:	Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff
Date:	Friday, May 31, 2024 11:23:42 AM
Attachments:	Motion MDISMS-MotionDismiss for Case 2023CP4205085-Alonzo C Jeter III #282902 VS Spartanburg Municipal Court Et Al defendant et al was added to a Motions Roster for 6172024 at 930 AM.msg image001.png

Good morning.

Motions to Dismiss of the Defendants in this case have just been scheduled for 930 am on July 17 before Judge Goodstein which conflicts with another hearing elsewhere involving the same plaintiff and some of the same defendants. I represent the State and Attorney General Wilson in this Richland case and David Leggett represents the other defendants.

As shown by the attached emailed notification, another motions hearing has been scheduled for the same date and time in Spartanburg in another case brought by Mr. Jeter in which I am representing the State. Because the Spartanburg hearing was already scheduled ten days ago, I respectfully request that this motions hearing in Richland be rescheduled for a different day. I am available for other days that week as is counsel for the other Defendants. I do have protection for June 20 & 21, but I no longer need it for those days. I do still need protection for the July days ordered by the Court.

Please note that Assistant Attorney General David Leggett should be listed as counsel for the other defendants. I will mail a copy of this email to Mr. Jeter who is a pro se inmate.

Thank you for your consideration of this matter.

Respectfully,

Emory Smith

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
Solicitor General Division | Office 803-734-3642
P.O. Box 11549 | Columbia, SC 29211
esmith@scag.gov

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From: ATHENA BORER
To: David Leggett; Harley Kirkland; Emory Smith
Subject: RE: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff
Date: Thursday, June 6, 2024 2:51:33 PM
Attachments: image001.jpg
image004.png

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Good afternoon-

There is pending motion involving Mr. Jeter that is scheduled to be heard on June 13th at 9:30am in another case. Would the parties be able to appear on 6/13?

Athena M Borer
Common Pleas Motion Coordinator
Richland County Clerk of Court
1701 Main Street
Columbia, SC 29201
Borer.Athena@richlandcountysc.gov
-
P 803-576-3372 F 803-576-1785
-
2020 Hampton St.
Suite 3030
Columbia, SC 29202
Richlandcountysc.gov

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From: PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>
Sent: Monday, June 3, 2024 2:38 PM
To: ATHENA BORER <BORER.ATHENA@richlandcountysc.gov>
Subject: FW: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff

Paul J. Gunter
Richland County Clerk of Court
Civil Records Supervisor/Common Pleas Trial Court Coordinator
1701 Main Street
Columbia, SC 29201
Phone 803-576-1932
Fax 803-576-1785
gunter.paul@richlandcountysc.gov

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From: Emory Smith <ESmith@scag.gov>
Sent: Friday, May 31, 2024 11:24 AM
To: PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>
Cc: Newman, Jocelyn Law Clerk (Bailey McDaniel) <jnewmanlc@sccourts.org>; Newman, Jocelyn Secretary (Nazaire Rutledge) <jnewmansc@sccourts.org>; David Leggett <DavidLeggett@scag.gov>; Harley Kirkland <HKirkland@scag.gov>; DGoodsteinlc@sccourts.gov; DGoodsteinSC@sccourts.gov
Subject: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff

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Thank you for your consideration of this matter.

Respectfully,

Emory Smith

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
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From: David Leggett
To: ATHENA BORER; Harley Kirkland; Emory Smith
Subject: RE: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff
Date: Thursday, June 6, 2024 2:53:00 PM
Attachments: image002.png
image003.jpg
image004.png

I am available at that time. (Mrs. Kirkland and I represent the same defendants, so no need to wait on a response from her.)

Sincerely yours,

L. David Leggett, Assistant Attorney General
Office of the South Carolina Attorney General
Legal Services Division | Civil Litigation Section
Office 803-734-3177 | Fax 803-734-3677
P.O. Box 11549 | Columbia, SC 29211
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From: ATHENA BORER <BORER.ATHENA@richlandcountysc.gov>
Sent: Thursday, June 6, 2024 2:51 PM
To: David Leggett <DavidLeggett@scag.gov>; Harley Kirkland <HKirkland@scag.gov>; Emory Smith <ESmith@scag.gov>
Subject: RE: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff

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To: ATHENA BORER; David Leggett; Harley Kirkland
Subject: RE: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff
Date: Thursday, June 6, 2024 2:53:55 PM
Attachments: image002.png
image003.jpg
image004.png

I could be present for the State and the Attorney General, but would we have a deadline for filing memoranda? That day is just a week off.

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To: David Leggett <DavidLeggett@scag.gov>; Harley Kirkland <HKirkland@scag.gov>; Emory Smith <ESmith@scag.gov>
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From: ATHENA BORER
To: Emory Smith; David Leggett; Harley Kirkland
Subject: RE: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff
Date: Monday, June 10, 2024 9:20:57 AM
Attachments: image001.jpg
image003.png
image005.png

Mr. Smith-

Judge Curtis's office has confirmed that they are ok with receiving any briefs/memo's no later than the 12th.

Athena M Borer
Common Pleas Motion Coordinator
Richland County Clerk of Court
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Columbia, SC 29201
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I could be present for the State and the Attorney General, but would we have a deadline for filing memoranda? That day is just a week off.

Emory Smith

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
Solicitor General Division | Office 803-734-3642
P.O. Box 11549 | Columbia, SC 29211
esmith@scag.gov

emailsigseal



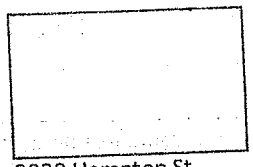
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From: ATHENA BORER <BORER.ATHENA@richlandcountysc.gov>
Sent: Thursday, June 6, 2024 2:51 PM
To: David Leggett <DavidLeggett@scag.gov>; Harley Kirkland <HKirkland@scag.gov>; Emory Smith <ESmith@scag.gov>
Subject: RE: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff

Good afternoon-

There is pending motion involving Mr. Jeter that is scheduled to be heard on June 13th at 9:30am in another case. Would the parties be able to appear on 6/13?

Athena M Borer
Common Pleas Motion Coordinator
Richland County Clerk of Court
1701 Main Street
Columbia, SC 29201
Borer.Athena@richlandcountysc.gov
-
P 803-576-3372 F 803-576-1785
-



2020 Hampton St.
Suite 3030
Columbia, SC 29202
Richlandcountysc.gov

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If you have received this communication in error or are not sure whether it is privileged, please immediately notify me by return email and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

From: PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>
Sent: Monday, June 3, 2024 2:38 PM
To: ATHENA BORER <BORER.ATHENA@richlandcountysc.gov>
Subject: FW: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff

Paul J. Gunter
Richland County Clerk of Court
Civil Records Supervisor/Common Pleas Trial Court Coordinator
1701 Main Street
Columbia, SC 29201
Phone 803-576-1932
Fax 803-576-1785
gunter.paul@richlandcountysc.gov

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If you have received this communication in error or are not sure whether it is privileged, please immediately notify me by return email and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

From: Emory Smith <ESmith@scag.gov>
Sent: Friday, May 31, 2024 11:24 AM
To: PAUL GUNTER <GUNTER.PAUL@richlandcountysc.gov>
Cc: Newman, Jocelyn Law Clerk (Bailey McDaniel) <jnewmanlc@sccourts.org>; Newman, Jocelyn Secretary (Nazaire Rutledge) <jnewmansc@sccourts.org>; David Leggett <DavidLeggett@scag.gov>;

Harley Kirkland <HKirkland@scag.gov>; DGoodsteinlc@sccourts.gov; DGoodsteinSC@sccourts.gov
Subject: Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning.

Motions to Dismiss of the Defendants in this case have just been scheduled for 930 am on July 17 before Judge Goodstein which conflicts with another hearing elsewhere involving the same plaintiff and some of the same defendants. I represent the State and Attorney General Wilson in this Richland case and David Leggett represents the other defendants.

As shown by the attached emailed notification, another motions hearing has been scheduled for the same date and time in Spartanburg in another case brought by Mr. Jeter in which I am representing the State. Because the Spartanburg hearing was already scheduled ten days ago, I respectfully request that this motions hearing in Richland be rescheduled for a different day. I am available for other days that week as is counsel for the other Defendants. I do have protection for June 20 & 21, but I no longer need it for those days. I do still need protection for the July days ordered by the Court.

Please note that Assistant Attorney General David Leggett should be listed as counsel for the other defendants. I will mail a copy of this email to Mr. Jeter who is a pro se inmate.

Thank you for your consideration of this matter.

Respectfully,

Emory Smith

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
Solicitor General Division | Office 803-734-3642
P.O. Box 11549 | Columbia, SC 29211
esmith@scag.gov

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This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

From: David Leggett
To: kcurtisj@sccourts.org; Curtis, Kristi F. Law Clerk (Jack Jackson)
Cc: Harley Kirkland; Emory Smith; kcurtissc@sccourts.org
Subject: RE: Alonzo Jeter v. State 2024CP1001737
Date: Wednesday, June 12, 2024 10:20:23 AM
Attachments: Jeter - Memo (03603746xD2C78).PDF
image002.png
image003.png
Jeter - Memo COS (03603727xD2C78).PDF

Your Honor,

Attached is the Memo in Support of the Motion to Dismiss of the various individual defendants in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him.

The motion hearing is set for 9:30 am tomorrow, Thursday June 13.

Sincerely yours,

L. David Leggett, Assistant Attorney General
Office of the South Carolina Attorney General
Legal Services Division | Civil Litigation Section
Office 803-734-3177 | Fax 803-734-3677
P.O. Box 11549 | Columbia, SC 29211
scag.gov

emailsigseal

This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

From: Emory Smith
Sent: Tuesday, June 11, 2024 3:14 PM
To: kcurtisj@sccourts.org; kcurtislc@sccourts.org
Cc: kcurtissc@sccourts.org
Subject: Alonzo Jeter v. State 2024CP1001737

Your Honor,

Attached is the Memo in Support of the Motion to Dismiss the State and Attorney General in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him.

The motion hearing is set for 9:30 am in Columbia.

Respectfully,

Emory

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
Solicitor General Division | Office 803-734-3642
P.O. Box 11549 | Columbia, SC 29211
esmith@scag.gov

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This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

From: David Leggett
To: legalmailservice@doc.sc.gov
Cc: elliott.salley@doc.sc.gov
Subject: Service on Alonzo Jeter, SCDC 282902
Date: Wednesday, June 12, 2024 10:18:00 AM
Attachments: image001.png
Jeter - Memo (03603746xD2C78).PDF
Jeter - Memo COS (03603727xD2C78).PDF

Dear Sir or Madam,

Please serve the attached on Inmate Alonzo Jeter, SCDC #282902 as soon as possible and return the affidavit of service. **We have a hearing scheduled tomorrow, Thursday June 13.** Thank you!

Sincerely yours,

L. David Leggett, Assistant Attorney General
Office of the South Carolina Attorney General
Legal Services Division | Civil Litigation Section
Office 803-734-3177 | Fax 803-734-3677
P.O. Box 11549 | Columbia, SC 29211
scag.gov

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From: Regina Lane (C058989)
To: David Leggett
Cc: Salley Elliott (C057924)
Subject: AOS Sent 6.12.24: inmate ALONZO COLUMBUS JETER III 282902 Alonzo Jeter, SCDC 282902
Date: Wednesday, June 12, 2024 2:02:10 PM
Attachments: image001.png
aos rcvd 6.12.24.pdf

You don't often get email from lane.regina@doc.sc.gov. Learn why this is important

Atty Leggett, Good Afternoon: Attached you will find the fully executed affidavit for the above-listed inmate. The original will follow to your attention at the address below in your signature block, once I receive same.

Enjoy the rest of your day.

Regina C. Lane
Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road, Ste. 219
P.O. Box 21787
Columbia, SC 29221-1787
(803) 896-9726 (office)

From: David Leggett <DavidLeggett@scag.gov>
Sent: Wednesday, June 12, 2024 10:18 AM
To: LegalMailService <LegalMailService@doc.sc.gov>
Cc: Salley Elliott (C057924) <Elliott.Salley@doc.sc.gov>
Subject: Service on Alonzo Jeter, SCDC 282902

*** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Dear Sir or Madam,

Please serve the attached on Inmate Alonzo Jeter, SCDC #282902 as soon as possible and return the affidavit of service. **We have a hearing scheduled tomorrow, Thursday June 13.** Thank you!

Sincerely yours,

L. David Leggett, Assistant Attorney General
Office of the South Carolina Attorney General
Legal Services Division | Civil Litigation Section
Office 803-734-3177 | Fax 803-734-3677
P.O. Box 11549 | Columbia, SC 29211
scag.gov

STATE OF SOUTH CAROLINA
GENERAL SESSIONS
COUNTY OF RICHLAND

DOCKET NUMBER
2024-CP-40-01737,
2021-CP-40-04301

ALONZO C. JETER, III,

Plaintiff,

vs.

STATE OF SOUTH CAROLINA, ET AL.,

Defendant.

June 13, 2024

MOTION TO DISMISS HEARING

B E F O R E:

The Honorable Kristi F. Curtis, Presiding Judge.

C O U R T:

South Carolina Circuit Court 3

T R A N S C R I B E D B Y:

Barbie Teboe, Transcriber

Legal Eagle
107 LeGrand Blvd.
Greenville, SC 29607
864-467-1373
transcripts@legaleagleinc.com

A P P E A R A N C E S:

IN PROPRIA PERSONA

Attorney for the Plaintiff

J. EMORY SMITH, Esq.
LEON DAVID LEGGETT, III Esq.
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211

PAUL THOMAS AHEARN, III Esq.
S.C. Law Enforcement Division
PO Box 21398
Columbia, SC 29221

Attorneys for the Defendant

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PROCEEDINGS

(Whereupon, the following proceedings started at 1:04:42.)

THE COURT: Okay. The next on the docket -- these are Numbers 6, 7, and 8. This is case number 2024-CP-40-1737. This is Alonzo Jeter versus the State of South Carolina.

I see -- it looks like this is Mr. Jeter.

Can you hear me, Mr. Jeter?

MR. JETER: Yes, I hear you.

THE COURT: Am I pronouncing your name correctly?

MR. JETER: Yes.

THE COURT: Okay. Hang on just a minute.

And I see we have Mr. -- is it Leggett?

MR. LEGGETT: Yes, Your Honor.

THE COURT: And you are here on behalf of which party, sir?

MR. LEGGETT: The Defendants Chelsey Marto, Derham Cole, Mark Hayes, Ralph Keith Kelly, Brandy McBee, Tonnya Kohn, Jean Toal, and Donald Beatty.

THE COURT: Okay.

And, Mr. Smith?

MR. SMITH: Yes, Your Honor. I'm here on behalf of the State and Attorney General Wilson.

Mr. Leggett and I have filed separate motions to dismiss because we represent separate clients in this same case.

THE COURT: Okay.

So the first motion on the roster is on behalf of the State, a Motion to Dismiss. So I'm going to hear that motion first.

MR. JETER: Judge?

THE COURT: Yes.

MR. JETER: Your Honor, I'm sorry. First of all --

THE COURT: Yes, sir.

MR. JETER: -- how are you this morning?

THE COURT: I'm fine. Thank you.

MR. JETER: All right. I'm in a bit of a woozy this morning. I had a bad morning so far. The burgundy team is on the yard here, and I've -- I had paperwork all over the place. So I got a lot going on.

But the main thing is that there was a -- I want to make sure that I'm right. Give me one second to look. I think this case was actually postponed to be rescheduled. I'm actually supposed to be here this morning for a case versus the South Carolina Law Enforcement Division.

MR. LEGGETT: Your Honor, if I may, just very briefly.

Mr. Smith and I -- our motions to dismiss were originally scheduled for June 17th, and there was a scheduling conflict with Mr. Smith and Mr. Jeter. And so there -- Mr. Jeter also has a case against the South Carolina Law Enforcement Division. That's the next case in your roster. And so given the sometimes difficulty in arranging to have individuals

present virtually from the Department of Corrections, the clerk scheduled this case for today so that we could go ahead and handle both Mr. Smith's motion and my motion and then separately handle the Law Enforcement Division's motion. I believe Paul Ahearn is here from the law enforcement division and will be prepared to handle that after us.

THE COURT: Okay. So I see that there are 3 entries in the docket for today; the first two are pertaining to Case ending in -1737, and then the third entry pertaining to Case ending in -4301.

Mr. Jeter.

MR. JETER: Oh. Hey.

(Pause.)

MR. JETER: Okay. I'm going to be honest. I'm totally unprepared because of the confusion with the scheduling.

THE COURT: Well, it looks like this roster has been out for some period of time. And so, like everybody else, you should have gotten a copy of this roster -- I'm looking to see when the electronic filing went out. It looks like the -- this roster was published May 31st. And I'm showing that this is a --

MR. JETER: Oh. Okay.

THE COURT: -- relatively current --

MR. JETER: And, Judge. I apologize.

I just found the Notice of the Motion Scheduling. And

this -- it has Roster Number 2134. And I'm supposed to be before Judge Diane Goodstein on June the 17th, via WebEx, at 9:30 a.m., on this date.

MR. SMITH: Your Honor, Emory Smith.

That's the hearing that was rescheduled for today because Mr. Jeter and I had already been scheduled for a motion hearing in Spartanburg on a different case that he has brought. And because Mr. Jeter could not be both places at the same time -- nor I -- the Richland clerk scheduled us for today. And I think that was about at least a week ago. And Mr. Jeter should have received my filings on -- I believe it was Monday of this week or Tuesday, in which it was referenced that these cases were going to be heard today.

So he should have had notice. And he certainly has received the Motion to Dismiss that we filed. And he should have received the memorandum that I filed in support of the State Attorney General's Motion to Dismiss.

THE COURT: So I'm showing a memorandum filed on behalf of the State -- filed on June 11th. Did you-all mail that to him? How did you get a copy to him?

MR. SMITH: We mailed it to them -- him, and I also emailed it to the contact at Corrections who was supposed to serve him as soon as possible.

THE COURT: Well, what I'm going to --

MR. SMITH: So --

raise them but could have raised them. And so therefore res judicata prevents him from bringing it up now, because res judicata bars a subsequent suit from taking up matters that were decided or could have been decided in an earlier proceeding.

So he's out for these three reasons: one, he doesn't have standing because he is not bringing this matter within a post-conviction -- these allegations within a current post-conviction relief proceeding. He has no -- therefore no current injury to give him standing. Two, these are matters for the administration of the court system. They're controlled by statute by order of the Court, by rule of the Court. And the circuit court lacks authority to intervene in such matters, an issue of statewide order regarding the administration of post-conviction relief proceedings. And, three, it's res judicata because these matters could have been raised or were raised earlier and not determinative, so the Court is barred from considering them now under res judicata.

That's all that I have, Your Honor, at this point. I'll be glad to respond if Mr. Jeter has anything to say.

THE COURT: Now, I do see that there is plaintiff's return to the defendant's Motion to Dismiss filed by Mr. Jeter on May 21st, in response to both the State's motion and also on behalf of the individual defendant's motions.

Let me go ahead and hear from Mr. Leggett, and then I'll

August 13, 2021

223

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, the Motion For Independent Adjudication And Hearing on Motions

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

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:17
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-04457 MOTION FOR INDEPENDENT ADJUDICATION AND HEARING ON MOTIONS

225

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 AUG 16 AM 11:1
RANDY W. CRUMBER

The Applicant, Alonzo C. Jeter, III, comes respectfully requesting that this Court would provide a ruling on the motions which have been filed in this case.

Specifically, Applicant seeks that the Chief Administrative Judge for Common Pleas make an independent adjudication upon all motions filed in this case, without any suasion or deference to the State (Respondent) or Office of the Attorney General.

Further, Applicant requests that in the Chief Administrative Judges order(s) in which his decisions are made upon the motions, that the Judge not make a blanket statement or Mother Hubbard, but rather provide clear and unambiguous facts, findings, and conclusions of law which fully support his decision and sufficiently addresses the existence or non-existence of genuine issue(s) of fact and questions of law.

MOTION HEARING

Applicant requests a hearing on the motions in this case pursuant to Rule 12(d), SCRCP; Rule 7(b)(2), SCRCP;

trial); Dangerfield v State, 376 SC 176, 179, 656 SE2d 352, 353-54 (2008) ("The procedural component of the state and federal due process clauses requires the individual whose property or liberty interests are affected to have received adequate notice of the proceeding, the opportunity to be heard in person, the opportunity to introduce evidence, the right to confront and cross-examine adverse witnesses, and the right to meaningful judicial review." (internal citations omitted) (emphasis added); Madison v American Home Products Corp., 358 SC 449, 595 SE2d 493 (2004) ("As a general rule, important questions of novel impression should not be decided on a motion to dismiss."); City of Rock Hill v Thompson, 349 SC 197, 563 SE2d 101 (2002) ("The Court could direct a judge to rule on a pending motion because the act of ruling is ministerial in nature.")

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335.

This 13th day of August, 2021.

229

August 27, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RECEIVED
AUG 27 2021
TYRCI MAILROOM

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking to be informed of the following:

1. Has all motions that have been filed in this case been placed on the motion calender so as to allow the Chief Administrative Judge to adjudicate upon them?

2. Has there been a date set whereby the motions are scheduled to be heard?

3. As I have requested, and still do request, a hearing on the motions filed in this case; has a date been scheduled for a motion hearing regarding all motions filed in this case?

Please return to me a file-stamped copy of this correspondence along with your response. Please find enclosed self-addressed stamped envelope for your return. Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

231

August 27, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 AUG 30 AM 11:30
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee,

I write seeking to be informed of the following:

1. Has all motions that have been filed in this case been placed on the motion calender so as to allow the Chief Administrative Judge to adjudicate upon them?

2. Has there been a date set whereby the motions are scheduled to be heard?

3. As I have requested, and still do request, a hearing on the motions filed in this case, has a date been scheduled for a motion hearing regarding all motions filed in this case?

Please return to me a file-stamped copy of this correspondence along with your response. Please find enclosed self-addressed stamped envelope for your return. Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902
APPLICANT,

V.

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Written Order Of The Chief Judge For Administrative Purposes For The Court of Common Pleas For Appointment of Counsel; on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 1st day of September, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Manto, S.C. Attorney General's Office, Post Office Box 11549, Columbia, South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, PO Box 1744, 180 Magnolia Street, 2nd Floor, Spartanburg, SC 29304-1744; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Boulevard, Gaffney, South Carolina 29342.

Sworn and Subscribed before me
this 1st day of September, 2021

Notary Public for South Carolina
My Commission Expires: 2/3/2029

Alonzo C. Jeter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

RECEIVED
SEP 01 2021
TYRCI MAILROOM

504331

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

September 1, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III v. State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing please find the Motion For Written Orders Of The Chief Judge For Administrative Purposes For The Court Of Common Pleas For Appointment of Counsel, along with a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. 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

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP -7 AM 8:32
BRANDY W. MCBEE

237

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III
#282902
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

MOTION FOR WRITTEN ORDER OF THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSES FOR THE COURT OF COMMON PLEAS FOR APPOINTMENT OF COUNSEL

Applicant, Alonzo C. Jeter, III, hereby respectfully motions that the Honorable Chief Judge for administrative purposes for the Court of Common Pleas would provide a written order which would grant Applicant an appointment of counsel in this case.

Applicant files this motion out of an abundance of caution as he is aware the administrative order which was issued by Former Chief Justice Jean Hoefer Toal. In Order No. 2008-10-06-01 (October 6, 2008) RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court, Former Chief Justice, Jean H. Toal, specified that Counsel would not be appointed in cases in which the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 SEP -7 A 8:42
BRANDY W. [illegible]

239

Exhibit-EE

ALAN WILSON
ATTORNEY GENERAL

December 10, 2020

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Box 2289
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, #282902 v. State of South Carolina**
2019-CP-11-0457

Dear Ms. McBee:

Enclosed please find the original **Conditional Order of Dismissal** signed by the Honorable J. Mark Hayes, II, in the above-captioned case, for filing in your office.

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/ec

Enclosure

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 11 A 8:56
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, SC 29211-1549 • TELEPHONE 803-734-3970 • FACSIMILE 803-253-6283

241

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	CASE NO. 2024-CP-40-01737 **PLAINTIFF'S EXHIBIT** **D** **FRUSTRATION OF CLERK OF COURT WITH FORM 4**

Cherokee County Clerk Of Court, Brandy W. McBee, Demonstrating Frustration And Attitude When Form 4 Order Is Requested; But Compare And See The Postmark Date And Form 4 Order Signature Date

Appendix I - Pgs 386-391

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January 6, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN 31 PM 3:06
BRANDY W. MCBEE

RE: Alonzo C Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking that your office will please provide me a copy of the Form 4 Order which should accompany the Final Order of Dismissal which was filed in this case.

I was not provided a copy of the Form 4.

Thank you for your attention in this matter.

Sincerely,

Alonzo C. Jeter, III

245.

January 6, 2022

Alonzo C. Jeter, III, #288902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking that your office will please provide me a copy of the Form 4 Order which should accompany the Final Order of Dismissal which was filed in this case.

I was not provided a copy of the Form 4. Yes You Were! See Proof Attached.

Thank you for your attention in this matter.

Sincerely,
Alonzo C. Jeter, III

FYI - In the future, anything I have proof of mailing you will pay for copies.

62 Pg 331
7/14/22

247

For Clerk of Court Office Use Only

This judgment was entered on 9/9/21 and a copy mailed first class or placed in the appropriate attorney's box on 9/9/21to attorneys of record or to parties (when appearing pro se) as follows:

Alonzo C. Jeter III 200 Prison Road Tyger River CI U9-0202-B Enoree, SC 29335

Alan McCrory Wilson S.C. Attorney General's Office PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Brandy W. McBee

Court Reporter

Brandy W. McBee - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP 10 PM 3:50
BRANDY W. MCBEE

CPFORM4Cm
SCCA SCRCP Form 4C (Revised 2/17)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

CASE NO. 2024-CP-40-01737

Alonzo C. Jeter, III,

Plaintiff,

vs

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 Hoefer Toal; Donald D. Beatty,

Defendants.

PLAINTIFF'S EXHIBIT

E

INQUIRIES TO CLERKS OF COURTS REGARDING MINISTERIAL DUTIES

Inquiries To Cherokee County Clerk Of Court And Other County Clerk Of Courts' Offices - Seeking To Be Informed Of Who Schedules The Hearing And Adjudication Of Any And All Filed Motions; And Also To Be Informed Of Who Makes The Determination Regarding Whether Or Not A Indigent PCR Applicant Receives Appointment Of Counsel

Appendix I - Pgs 210-211, 213-214, 216-217, 219, 280, 328-332, 355-356, 360-366, 374-377, 400-405, 413-422

251

July 7, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v. State of South Carolina**
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write seeking that you will please inform me of who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions. Please do not construe this inquiry as solicitation for legal advice. This is rather an inquiry for certainty of understanding regarding ministerial duties.

I am not asking who actually appoints counsel in post-conviction actions as it is elementary to know that the Common Pleas Judge actually orders appointment; Rather, I am inquiring as to who makes the determination of whether or not counsel should be appointed. It is common that the Office of the Attorney General makes this determination.

Please also find, enclosed, an additional copy of this correspondence along with a self-addressed stamped envelope. Please return to me a filed-stamped copy of this document along with your response or, in the alternative, by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

Cc: Chelsey F. Marto, AAG
FILE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUL 12 AM 9:02
BRANDY W. MCBEE

253
~~244~~

July 20 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 JUL 23 AM 10:40
BRANDY W. MCBEE

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Honorable McBee:

I wrote a letter dated July 7, 2021, to your office wherein I to know who it is that makes the determination of whether or not counsel is to be appointed to indigent applicants in post-conviction relief actions.

In this letter I specified that I was not not inquiring as to who actually appoints counsel in post-conviction actions but rather I inquire as to who makes the determination of whether or not counsel is to be appointed.

I also indicated that it is my understanding that the determination as to whether or not counsel should be appointed for indigent PCR applicants it is commonly made by the Office of the Attorney General rather than the Court of Common Pleas judge.

Your office simply highlighted the Office of the Attorney General on my letter, clock-stamped it, and returned it back to me.

While I do appreciate your return, I respectfully seek that your office will provide me a more definite answer to this question so that I would not remain unsure of who makes the determination of whether or not counsel is to be appointed for an indigent pcr applicant.

Please find, enclosed, an additional copy of this correspondence along with a self-addressed stamped envelope. Please return to me a filed-stamped copy of this document along with your response.

Thank you for your patience, understanding and assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, Esq. (AAG)
FILE

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

CC: Chelsey F. Marto, AAG
FILE

257

Alonzo C. Jeter, III, #282902
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

September 27, 2021

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

The Clerk of Court DOES NOT schedule PCR matters. That is done by the AG's office. Those matters are also heard in Spartanburg County.

RE: Alonzo C. Jeter, III, v State of South Carolina
Case No. 2019-CP-11-0457

9/30/21 BMW

Dear Honorable McBee.

Please inform me of the status of the motions which have been filed in this case. There are at least four (4) pending motions which I have not been informed regarding their status.

Please inform me as to whether or not all motions filed in this case have been placed on a motion calendar or docket, or placed in the hands of the Docket Coordinator for this Court.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP 30 AM 11:17
BRANDY W. MCBEE

Spartanburg County

Exhibit 1 259

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2259

Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 NOV -4 PM 3:26
BRANDY W. MCBEE

From: Spartanburg County Clerk of Court Office

_____ Master's fee required
_____ Signature required
_____ Original document required
_____ Satisfaction of Judgment required
_____ Check or Money Order must be made payable to the Clerk of Court
_____ Insufficient filing fee: Please submit a business check or money order in the amount of $
_____ Coversheet not included *(SCCA/23)*
_____ This is not a Spartanburg County Case
_____ Please check our website for the requested information *www.spartanburgcounty.org*
_____ Please submit all 7 pages of your completed PCR Application
_____ I suggest you contact your attorney
_____ A court date has not been scheduled for your case(s)
_____ All copies are $1.00 per page that must be paid in advance. Please submit a cashier's check or money order in the amount of $_____.
_____ Please refer to our website for further assistance *www.spartanburgcounty.org* select SERVICES-PUBLIC INDEX.
_____ Documents must be electronically filed on case
__X__ Other: **This office clocks, files, and forwards filings to the Attorney General's PCR Department. We do not maintain a PCR docket as that is handled by the Attorney General's office. Please note records indicate your PCR is in Cherokee County and not Spartanburg County therefore we cannot process your filings to a case and you will need to contact the Cherokee Clerk of Court regarding case filings.**

From **MF Deputy Court Clerk** Date: **10/15/2021**

Please provide me a copy of this correspondence which bears this Court stamp or other indicia which would confirm this correspondence was received by your office.

Please also allow your response to contain verifyable indicia of your office as well.

Thank you for your assistance in this matter.

Sincerely,

Horace C. Todey III

FILED
2021 OCT 15 AM 9:10
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

263
~~355~~

December 20, 2021

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, SC 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:10
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

I have written letters of correspondence to you dated August 27, 2021, July 7, 2021, and October 1, 2021; wherein I have sought to be provided understanding with regard to the ministerial duties of this Court, your office and the Common Pleas Judge in PCR matters.

I have asked, inter alia, what court rule or statutory authority does your office or this Court base its decisions upon in passing on any of its ministerial duties to the Office of the Attorney General. Also, if the motions that I have filed in this PCR action have been placed on the Court's motion calendar, who would the motion on the motions calendar, and have I been ~~se~~ scheduled for motions hearings.

Please do be so kind to respond to these letters of correspondence and do allow your correspondence to contain the letterhead of this Court along with signature from your office.

265

~~262~~

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S EXHIBITS AA, BB, CC, DD, EE, FF, GG, & HH and CERTIFICATE OF AUTHENTICITY (Pursuant to SC Code Ann. § 17-27-160)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2021 JAN -3 A 11:20
BRANDY C. HOYLE

The Applicant, Alonzo C. Jeter, III, hereby submits the following as Exhibits in this case. See State v Carlesay, 363 SC 586, 611 SE 2d 283 (2005) ("The burden is on the [Applicant] to provide a sufficient record for review.")

Exhibit AA - Correspondence dated August 4, 2021 from Applicant to Beufort County Clerk of Court.

Exhibit BB - Correspondence dated — from Beufort County Clerk of Court to Applicant.

Exhibit CC - Correspondence dated August 4, 2021, from Applicant to Union County Clerk of Court

Exhibit DD - Correspondence dated August 9, 2021, from Union County Clerk of Court

Exhibit EE - Correspondence dated December 10, 2020, from Chelsey F. Marto to Brandy W. McBee providing original signed Conditional Order of Dismissal, for filing. (Filed 12/14/2020),

Exhibit FF - Page 1 of Conditional Order of Dismissal bearing Judge's initial and Courts file-stamp December 14, 2020; Page 10 of Conditional Order of Dismissal bearing Judge's signature and dated December 7, 2020.

Exhibit GG- FORM 4 relative to Signed Conditional Order of Dismissal, providing Judgment entered on December 14, 2020.

Exhibit HH- Page 6 of unfiled, uncertified Final Order of Dismissal, bearing Judges signature, initial, and dated August 30, 2021.

CERTIFICATE OF AUTHENTICITY; SC Code Ann §17-27-40

The Applicant, Alonzo C. Jeter, III, hereby certifies that any and all documents/exhibits which has been submitted by the Applicant in this case are authentic, true, and correct. RULE 901, SCRE.

s/ Alonzo C. Jeter

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 28 day of December, 2021.

269

Exhibit - BB

Office of the Clerk of Court

Beaufort County

Post Office Drawer 1128

Beaufort, South Carolina 29901-1128

Jerri Ann Roseneau
Clerk of Court

M. K.
Senior Judicial Administrator

Mr. Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

Regarding: Letter dated August 4, 2021

Your understanding is correct. The South Carolina Attorney General's Office determines which applicant will need appointment of counsel, and then sends a letter for appointment of counsel to the appropriate Clerk of Court Office. The appropriate Clerk of Court Office will then prepare an Order for Appointment of Counsel, have it signed, filed, and then mail a copy to involved parties. The contact information for the South Carolina Attorney General's Office is below.

South Carolina Attorney General's Office
The Honorable Alan Wilson
P. O. Box 11549
Columbia, SC 29211

Info from SC Attorney General website

"If the allegations listed in the application require an evidentiary hearing, an attorney will be appointed to represent the applicant. If an attorney has been appointed, any questions about the process from the applicant or anyone on his behalf must be directed to that attorney."

Respectfully,

Exhibit-DD

271
~~366~~

August 9th, 2021

Mr. Alonzo C. Jeter,

You are correct. The Office of Attorney General does make the determination if you can be appointed counsel. When a PCR is filed with us, in the Clerk's Office, we send them copies of everything. The Attorney General's office makes the decision, and then sends us an order, and who to appoint if it is granted. We receive the Order, then fill out an appointment form, and then send it back to the AG's office to follow through with the rest of the preparation for the PCR hearing.

Sincerely,

Clerk of Court's office.

Common Pleas Department

Exhibit-BB

Office of the Clerk of Court

Beaufort County

Post Office Drawer 1128

Beaufort, South Carolina 29901-1128

Jerri Ann Roseneau
Clerk of Court

M. K.
Senior Judicial Administrator

Mr. Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

Regarding: Letter dated August 4, 2021

Your understanding is correct. The South Carolina Attorney General's Office determines which applicant will need appointment of counsel, and then sends a letter for appointment of counsel to the appropriate Clerk of Court Office. The appropriate Clerk of Court Office will then prepare an Order for Appointment of Counsel, have it signed, filed, and then mail a copy to involved parties. The contact information for the South Carolina Attorney General's Office is below.

South Carolina Attorney General's Office

The Honorable Alan Wilson

P. O. Box 11549

Columbia, SC 29211

Info from SC Attorney General website

"If the allegations listed in the application require an evidentiary hearing, an attorney will be appointed to represent the applicant. If an attorney has been appointed, any questions about the process from the applicant or anyone on his behalf must be directed to that attorney."

Respectfully,

275.

Exhibit-DD

August 9th, 2021

Mr. Alonzo C. Jeter,

You are correct. The Office of Attorney General does make the determination if you can be appointed counsel. When a PCR is filed with us, in the Clerk's Office, we send them copies of everything. The Attorney General's office makes the decision, and then sends us an order, and who to appoint if it is granted. We receive the Order, then fill out an appointment form, and then send it back to the AG's office to follow through with the rest of the preparation for the PCR hearing.

Sincerely,

Clerk of Court's office.

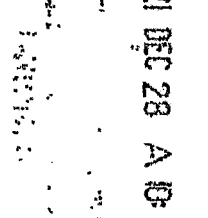
Common Pleas Department

Exhibit-JJ

December 21, 2021

Alonzo C. Deter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Union County Courthouse
Office of the Clerk
Post Office Box 703
Union, SC 29379-0703



RE: Appointment of Counsel for Indigent PCR Applicants & Scheduling and Hearing of Motions

Dear Honorable Clerk:

I write seeking to know regarding motions filed in PCR actions. When a motion is filed, does your office automatically place the motion on a motions calendar to allow it to be heard and adjudicated upon by the Common Pleas Court Judge, or is the motion rather forwarded to the Office of the Attorney General for that Office to process the motion?

Secondly, if the Office of Attorney General makes a determination that counsel should not be appointed in a PCR action, does the Common Pleas Judge take a second look at the pleadings to make an independent determination as to whether or not counsel should be appointed, or is this handled by the office of the Attorney General?

Please do not construe this inquiry as solicitation for legal advice. This inquiry is simply an attempt at gaining the understanding of the ministerial duties of the Court in regards

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~~403~~

CLERK OF COURT'S OFFICE

Post Office Box 649, York, South Carolina 29745-0649

Exhibit - KK

February 28, 2020

Janell H. Gregory
Office of the Attorney General
PCR Section
P. O. Box 11549
Columbia, SC 29211-1549

RE: Post-Conviction Relief–Jaquese Jermaine Neely, #308317

Dear Ms. Gregory,

Please find enclosed a post-conviction relief application for the above named applicant. Pursuant to a memorandum issued by Chief Justice Toal dated January 12, 2004 the Clerk's office is not to appoint an attorney until directed to do so by the Office of the Attorney General.

Clerk of Court's Office
Civil Division

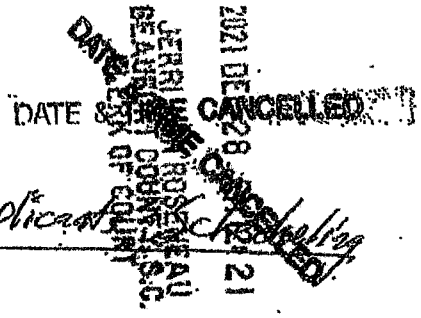
Cc: Kevin Brackett, Solicitor
Jaquese Jermaine Neely 308317, Inmate

Exhibit - L L.

December 21, 2021

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Beufort County Courthouse
Office of the Clerk
Post Office Box 1128
Beufort, SC 29901-1128



RE: Appointment of Counsel for Indigent PCR Applicant Scheduling and Hearing of Motions

Dear Honorable Clerk,

I write seeking to know regarding motions filed in PCR actions. When a motion is filed, does your office automatically place the motion on a motions calendar to allow it to be heard and adjudicated upon by the Common Pleas Court Judge, or is the motion rather forwarded to the Office of the Attorney General for that Office to process the motion?

Secondly, when the Office of Attorney General makes a determination that counsel should not be appointed in a PCR action, does the Common Pleas Judge take a second look at the pleadings to make an independent determination as to whether or not counsel should be appointed, or is this handled by the Office of the Attorney General?

Please do not construe this inquiry as solicitation for legal advice.

283

Exhibit - NN

SCCID
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) 734-1345

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

August 11, 2021

Alonzo Columbus Jeter, #282902
Tyger River Correctional Institution
200 Prison Road, Upper Yard
Enoree, SC 29335

Re: Appellate Case No. 2017-001777

Dear Mr. Jeter:

Thank you for your letter dated August 4, 2021, which I received August 9, 2021. To answer your question, counsel is appointed in all indigent post-conviction relief (PCR) cases unless the PCR application is dismissed without a hearing.

As to your question regarding how a specific attorney is appointed, my understanding is that process can differ depending upon which judicial circuit the PCR application is filed in by the applicant. I hope this answers your questions.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/hek

Enclosure

Exhibit-PP

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

September 20, 2021

The Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Common Pleas Docket Management & PCR Management

Dear Honorable Clerk,

I write seeking to be informed as to the manager of motions (pre-trial motions) filed in PCR cases.

1. When a PCR applicant files a motion, is the motion placed on a motions calendar?
2. Does the Common Pleas Docket Mangement Task Force still exist?
3. Please provide me the name and contact information for the Chairman of the Common Pleas Task Force.
4. Has the Post-Conviction Relief Docket Management (413 SC 470, 776 SE2d 373 (2015) been expanded to the 7th Judicial Circuit?

Thank you for your assistance in this matter.

Sincerely,

Alonzo C Jeter, III

287

Exhibit-RR

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT
BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: Mr. Alonzo C. Jeter, III

FROM: Patricia A. Howard, Clerk of Court PAH

DATE: October 7, 2021

This Court has received your recent correspondence:

☒ This Court cannot provide legal advice or assistance. Therefore, this office will be unable to respond to your legal questions (s). If you need legal advice or assistance, you should consult with an attorney.

☐ Since you are represented by counsel in this matter(s), no action will be taken on your *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

☐ If you believe you have good cause to seek to have your current counsel relieved, then you should file a motion in the lower court in which this matter is pending seeking that relief.

☐ Since you are represented by counsel in this matter(s), we are forwarding a copy of your letter to counsel.

☐ Your remedy is in the lower court where this matter is pending.

289
419

Exhibit - TT

South Carolina Court Administration

South Carolina Supreme Court

Columbia, South Carolina

October 8, 2021

Alonzo C. Jeter, III #282902
Tyger River Correctional Institution
200 Prison Rd.
Enoree, SC 29335

Re: Your correspondences received Aug. 20, Sept. 13, Sept. 20, 2021

Dear Mr. Jeter:

This office received your recent requests for information regarding PCR actions. This office does not give legal advice.

Please contact the office of the clerk of court or the Solicitor's Office in the county where your case in located, as they may be able to assist you further. Additionally, you may wish to contact the South Carolina Commission on Indigent Defense (P.O. Box 11433, Columbia, S.C. 29211) about having a lawyer appointed to assist you.

Sincerely,

Circuit Court Law Clerk/mw
SC Court Administration

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Exhibit - V V

Cherokee County Clerk of Court Office

BRANDY W. MCBEE
CLERK OF COURT

POST OFFICE DRAWER 2289
125 E. FLOYD BAKER BLVD
GAFFNEY, SC 29342
PHONE: (864) 487-2571
FAX: (864) 487-2754

October 21, 2020

Alonzo C. Jeter, III, #282902
Tyger River CI, U9-0202-B
200 Prison Rd.
Enoree, SC 29335

In reference to your letter/request, 2019CP1100457:

Mr. Jeter,

The Clerk of Court Office received your letter on October 16, 2020. Your case is still pending and is being handled by the SC Attorney General's Office. Your submitted filings have been forward to said office, so they're in receipt of your letters, requests, motions, etc. We are just a filing office, so the status truly remains with them.

The Chief Administrative Judge for Common Pleas in the Honorable J. Mark Hayes, II. His mailing address is:. 180 Magnolia St., Spartanburg, SC 29306.

Best Regards,
Common Pleas Clerk

(864) 487-2571 (Phone)
(864) 487-2754 (Fax)

293

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **F**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**JUDGES DO NOT REVIEW OAG DETERMINATIONS REGARDING APPOINTMENT OF COUNSEL**

Clerk Of Court's Explanation That The Chief Administrative Judges Does Not Review The Attorney General's Determination Regarding Whether Or Not Counsel Is To Be Appointed Or Not. Clerk Of Court's Explanation That When Any Motion Is Filed By A PCR Applicant, The Motion Is Forwarded To The Adversary Party For Its Handling Of The Motions, Rather Than Placed On The Motion Calendar And Docket For The Judge's Hearing And Adjudication Thereof.

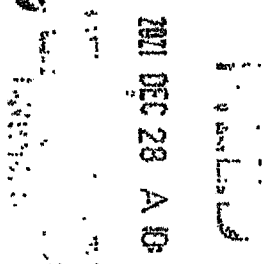
Appendix I – Pgs 400 - 405

Exhibit-JJ

December 21, 2021

Alonzo C. Deter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Union County Courthouse
Office of the Clerk
Post Office Box 703
Union, SC 29379-0703



RE: Appointment of Counsel for Indigent PCR Applicants & Scheduling and Hearing of Motions

Dear Honorable Clerk:

I write seeking to know regarding motions filed in PCR actions. When a motion is filed, does your office automatically place the motion on a motions calendar to allow it to be heard and adjudicated upon by the Common Pleas Court Judge, or is the motion rather forwarded to the Office of the Attorney General for that Office to process the motion?

Secondly, if the Office of Attorney General makes a determination that counsel should not be appointed in a PCR action, does the Common Pleas Judge take a second look at the pleadings to make an independent determination as to whether or not counsel should be appointed, or is this handled by the office of the Attorney General?

Please do not construe this inquiry as solicitation for legal advice. This inquiry is simply an attempt at gaining the understanding of the ministerial duties of the Court in regards

297
403

CLERK OF COURT'S OFFICE

Post Office Box 649, York, South Carolina 29745-0649

Exhibit - KK

February 28, 2020

Janell H. Gregory
Office of the Attorney General
PCR Section
P. O. Box 11549
Columbia, SC 29211-1549

RE: Post-Conviction Relief--Jaquese Jermaine Neely, #308317

Dear Ms. Gregory,

Please find enclosed a post-conviction relief application for the above named applicant. Pursuant to a memorandum issued by Chief Justice Toal dated January 12, 2004 the Clerk's office is not to appoint an attorney until directed to do so by the Office of the Attorney General.

Clerk of Court's Office
Civil Division

Cc: Kevin Brackett, Solicitor
Jaquese Jermaine Neely 308317, Inmate

299

Exhibit-MM

Office of the Clerk of Court

Beaufort County
Post Office Drawer 1128
Beaufort, South Carolina 29901-1128
(843)255-5050

Jerri Ann Roseneau
Clerk

From: **Clerk of Court, Beaufort County, South Carolina**

Case Number: None

The enclosed document is being returned for the following reason(s)

_____ The document is not signed / notarized.

_____ The filing fee is insufficient. The amount needed is $

_____ This document is a copy. We must have an original.

_____ **Personal checks not accepted.** Money Order/Cashier's Check are acceptable.

_____ Please remit payments to Beaufort County Clerk of Court.

_____ Your check must be signed.

✓ There is not a case listed in our system that matches this caption. & Case in Beaufort

_____ The required **new case** coversheet is not included. (SCCA/234)-(03/2016)

_____ The required **motion/order** coversheet is not included. (SCCA/233-(11/2003)

_____ The required **Form 4C** coversheet is not included. (SCRCP Form 4C)-(03/2013)

_____ E-Filing is mandatory for Beaufort County as of 12/6/2016. Please refer to www.sccourts.org for instruction on e-filing.

_____ Copy fee required ($0.50 per page). See S.C. Code Ann. §30-4-30(b). Please include a self-addressed stamped return envelope with your fee. **Amount due $**____

Other: The Attorney General's office handles the Scheduling and appointment of Counsel in Post Conviction Relief Cases.

Please make the necessary corrections and return this document for filing. Thank you for your assistance.

Staff initials: _____ **Date:**

301
~~405~~

Exhibit--MM

Office of the Clerk of Court

Beaufort County
Post Office Drawer 1128
Beaufort, South Carolina 29901-1128
(843)255-5050

Jerri Ann Roseneau
Clerk

From: **Clerk of Court, Beaufort County, South Carolina**

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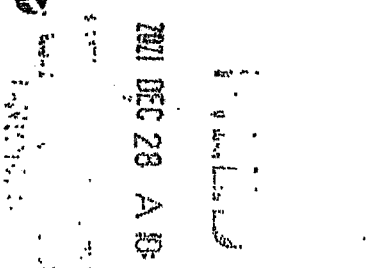
Staff initials: _____ **Date:**

Exhibit-JJ

December 21, 2021

Alonzo A. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

Union County Courthouse
Office of the Clerk
Post Office Box 703
Union, SC 29379-0703



RE: Appointment of Counsel for Indigent PCR Applicants & Scheduling and Hearing of Motions

Dear Honorable Clerk:

I write seeking to know regarding motions filed in PCR actions. When a motion is filed, does your office automatically place the motion on a motions calendar to allow it to be heard and adjudicated upon by the Common Pleas Court Judge, or is the motion rather forwarded to the Office of the Attorney General for that Office to process the motion?

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CLERK OF COURT'S OFFICE

Post Office Box 649, York, South Carolina 29745-0649

Exhibit - KK

February 28, 2020

Janell H. Gregory
Office of the Attorney General
PCR Section
P. O. Box 11549
Columbia, SC 29211-1549

RE: Post-Conviction Relief–Jaquese Jermaine Neely, #308317

Dear Ms. Gregory,

Please find enclosed a post-conviction relief application for the above named applicant. Pursuant to a memorandum issued by Chief Justice Toal dated January 12, 2004 the Clerk's office is not to appoint an attorney until directed to do so by the Office of the Attorney General.

Clerk of Court's Office
Civil Division

Cc: Kevin Brackett, Solicitor
Jaquese Jermaine Neely 308317, Inmate

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

June 29, 2020

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-01457

Dear Mrs. McBee:

Enclosed for filing, please find the Motion for Appointment of Counsel and Affidavit In Support, along with a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me, by way of the enclosed SASE, file-stamped copies of these documents.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 JUL -1 PM 1:
BRANDY W. McBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III #282902, APPLICANT, V State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 MOTION FOR APPOINTMENT OF COUNSEL AND AFFIDAVIT IN SUPPORT RULE 608(g)(1), SCACR RULE 71.1(d), SCRCP

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2020 JUL -1 P 2:20
BRANDY W. BRACKETT

MOTION FOR APPOINTMENT OF COUNSEL

Applicant, Alonzo C. Jeter, III, hereby respectfully motions this Honorable Court for appointment of counsel which would serve to assist Applicant in advancing his claims and pursuit of this post-conviction relief action. See Rule 71.1(d), SCRCP; Rule 608(g)(1), SCACR

Applicant would emphasize to this Court that appointment of counsel is equitable due to the complexity of this case, the procedural irregularities which exists, and Applicant's lack of capacity to pursue this action without assistance of counsel. See also Gary v State, 347 SC 627, 557 SE2d 662 (2001)

Applicant would also emphasize the difficulties experienced as Applicant is a prisoner confined within the South Carolina Department of Corrections. While simply being a prisoner may not rise to the bar of extraordinary circumstances in itself, the conditions which Applicant endures would as they create barriers to meaningful access to the Courts. These such barriers include, but are not limited to, the terrible shortage of staff at the institution, the COVID-19 pandemic which greatly limits and prevents movement at the institution, South Carolina Department of Corrections' policies

CONCLUSION

WHEREFORE, Applicant prays the Court will appoint counsel in this case in the interest of equity and Justice.

Respectfully submitted,

Alonzo C. Deter, III, #282902
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 2 day of June, 2020.

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT,	Case No. 2019-CP-11-0457 57 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the MEMORANDUM IN SUPPORT OF MOTION FOR APPOINTMENT OF COUNSEL; on Respondent by placing a copy of the same in a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 27th day of July, 2020, for mailing via the United States Mail, addressed as follows: Alan Wilson, Esquire, Attorney General of South Carolina, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

SWORN and Subscribed before me
this 29th day of July, 2020

David E. Berry
Notary Public for South Carolina
My Commission Expires: 1/31/30

s/
Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2020 AUG -3 AM 9:08
BRANDY W. MCBEE

a defendant's right to effective assistance of counsel is ~~59~~ engrained in PCR cases. . . ." Fishburne v State, Appellate Case No. 2016-002385, Opinion No. 27911 (July 31, 2019). See Robertson v State, 418 SC 505, 513, 795 SE2d 29, 33 (2016) ("The South Carolina Legislature enacted the Uniform Post-Conviction Procedure Act to govern all aspects of PCR. . . .") It is this statutory scheme that affords the right to counsel in PCR, not the Constitution. See Turner v State, 384 SC 451, 682 SE2d 792 (2009) ("[T]he right to PCR Counsel arises from Rule 71.1, SCRCP, and not from the constitution.") See Turner, id., ("[T]he right to counsel may arise pursuant to the Due Process Clause under the Fifth and Fourteenth Amendments.

See Mangal v State, 421 SC at 99, 805 SE2d at 575 - (providing "the Sixth Amendment guarantee of effective assistance of counsel is a 'bedrock principle in our justice system'") (quoting Martinez v Ryan, 566 US 1, 12, 132 Sct 1309 (2012)); Strickland v Washington, 466 US 668, 684, 104 Sct 2052 (1984) (recognizing "the Sixth Amendment right to counsel exists, and is needed, in order to protect the fundamental right to a fair trial"); Johnson v Zerbst, 304 US 458, 462, 58 Sct 1019 (1938) ("The Sixth Amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not 'still be done'").

CONCLUSION

WHEREFORE, for these reasons stated herein and reasons which are stated within Applicants' Motion For Appointment

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Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

November 16, 2020

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

FILED IN THE OFFICE
CLERK OF COURT
2020 NOV 20 A 10:52
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

RE: Alonzo C. Jeter, III, v State (PCR)
Case No. 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Supplemental Memorandum In Support of Application For Post-Conviction Relief, Motion FOR Hearing; and a Certificate of Service for the same.

Enclosed, please find also an additional copy of the same along with a self-addressed stamped envelope. Please return to me by way of the provided SASE, file-stamped copies of these documents.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 MOTION FOR HEARING

FILED IN THE OFFICE OF CLERK OF COURT
2019 NOV 20 A 10:52
BRANDY MCBEE
CHEROKEE COUNTY, SC

Applicant, Alonzo Columbus Jeter, III, hereby respectfully motions this Court for a hearing in this case. In support of this motion Applicant submits as follows:

Applicant raises an issue and questions which are genuine issues of material fact and therefore a hearing is required whereby these issues and facts can be resolved, credibility passed upon, and the issues and facts may develop a sufficient record which would include testimony of the adversary.

The rule in this state is that where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel, which allegations are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by a hearing in the lower court. Roger v State, 261 SC 288, 199 SE2d 761 (1973); Chambers v State, 262 SC 202, 203 SE2d 426 (1974); Coardes v State, 262 SC 493, 206 SE2d 264 (1974); Delaney v State, 269 SC 555, 238 SE2d 679 (1977).

Importantly, Applicant will show that the above concerns

South Carolina, No. 6:06-331-OCN-WMC (DSC 2007); Gamble v State, 298 SC 176, 379 SE2d 118 (1989)

Applicant brings before this Court facts which are material and issues of material fact which are genuine, which would satisfy the requirement of hearings on both procedural and merit in this case.

Spriggs v Diamond Auto Glass, 242 F3d 179, 183 (4th Cir. 2001) - A fact is deemed "material" if it "might affect the outcome of the suit under the governing law"; Anderson v Liberty Lobby, Inc., 477 US. 242, 257 (1986) - An issue of material fact is "genuine" if the evidence offered is such that a reasonable jury might return a verdict for the non-movant.

CONCLUSION

WHEREFORE, Applicant prays this Court grant a hearing on the matters, issues, and facts of this case for equitable adjudication on the merits of the same.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 16th day of November, 2020.

disconcert and frustrate the Applicant by causing undue hardships.

Applicant would show the Court Petitioner's Exhibit-M, which is the Order of United States Magistrate Judge, Mary Gordon Baker dated January 14, 2020, in the case of Jeter v Tucker, C/A No. 2:19-cv-1945-MGL-MGB.[1]

Within this Order, (page 2 of 3 of the Order), the Honorable Judge Baker speaks in regard of the State's omissions in this case stating, "The [State's] omission of these documents is bizarre." Further, on page 3 of 3 of the Order, the Judge gestures, "[T]he [State's] omissions... are disconcerting, to say the least..."

The record which is compiled and before this Court is substantial and does provide a clear picture. Reviewing the record and all evidence proffered, in the light most favorable to the Applicant as this Court must, it is clear that summary judgment is not appropriate under the circumstances of this case. See Al-Shabazz v State, 338 SC 354, 527 SE2d 742 (2000) (When considering the State's motion for summary dismissal of an application for post-conviction relief, a Judge must assume facts presented by an applicant are true and view these facts in the light most favorable to the applicant.

[1] Andrews v South Carolina Department of Corrections, C/A No. 8:20-cv-2633-BHH-JDA (D.S.C. 2020), 2020 WL 4738327 ("The Court is permitted to take judicial notice of the records in [Applicant's] cases.

the substantial record and pleadings that is before this court. See Yarborough, id., ("Moving party who fails to show absence of genuine issue of material fact is not entitled to summary judgment even though his adversary does not come forward with opposing materials."); South Carolina Property and Cas. Guar. Ass'n v Yensen, 345 SC 512, 548 SE2d 880 (2001) ("At the summary judgment stage of litigation, the court does not weigh conflicting evidence with respect to a disputed material fact.") SCRCP, 56(c).

Applicant will also show that his previous Post-Conviction Application was dismissed under an erroneous guise. The Applicant clearly amended his Application to assert a claim of ineffective assistance of counsel, however, the PCR Court summarily dismissed the Application stating that Applicant failed to state a claim. See Gentry v Yonce, 337 SC 1, 522 SE2d 137 (1999) ("A complaint should not be dismissed for failure to state a claim merely because the court doubts the plaintiff will prevail in the action.")

As Applicant filed the Application pro se without benefit of counsel, it was not artfully or perfectly stated with facts, however, it was clear that Applicant had a claim. See Rule 8(f), SCRCP (All pleadings shall be so construed as to do substantial justice to all parties.

denial. This was error as well. See Odom v State, 337 SC 256, 523 SE2d 753 (1999) ("An applicant has a right to an appellate counsel's assistance in seeking review of the denial of post conviction relief." "Under the post conviction relief rules, a court will appoint an attorney to a post conviction relief applicant if: (a) an evidentiary hearing is required; or (b) the applicant is indigent and wants to file an appeal.")

"Post conviction relief judges are required to advise pro se applicants of both their right to appeal and their right to appellate counsel when their post conviction relief applications are summarily dismissed." Id. Applicant was not afforded this opportunity, albeit he did ask. See Notice of Appeal filed to the South Carolina Court of Appeals, dated August 6, 2018, which Respondent has submitted along with Respondent's Motion to Dismiss and Return. Attached to this Notice of Appeal, there is also correspondence dated August 6, 2018, to Mr. Robert Dudek, seeking that I be provided assistance of counsel to assist Applicant in perfecting the appeal.

Under the PCR rules, an applicant is entitled to a full adjudication on the merits of the original petition; or "one bite at the apple." Rice v State, 305 SC 448, 452, 409 SE2d 392, 395 (1991). This "bite" includes an applicant's

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-045 MOTION FOR ASSISTANCE WITH COPIES AND THE COSTS AND EXPENSES THEREOF (Pursuant to S.C. Code Ann. §17-27-60)

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2019 OCT 12 PM 12:
BRANDY W. MCBEE

The Applicant, Alonzo C. Jeter, III, hereby motions this Court that it would issue an order which would provide Applicant assistance with obtaining copies (amounts of copies necessary for service and filing of future filings in this case, to include the necessary copies for future filings which would be made on review of this Court's decision).

Applicant seeks an Order of this Court which would order that the South Carolina Department of Corrections provide such copies of Applicant's future Court filings as necessary. In Addition, Applicant would seek an order that such copies be provided without costs as Applicant is indigent, destitute, and a pauper.

In the alternative, Applicant requests that this Court would issue an Order which would direct that the South Carolina Department of Corrections shall produce one (1) copy of such future filings which Applicant shall retain as "proof", and that the Originals shall be forwarded to the South Carolina Office of Indigent Defense for the purpose that the Office of Indigent Defense shall produce the necessary amount of copies for service and filing.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

December 29, 2021

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JAN -3 AM 9:10
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
Gaffney, SC 29342

RE: Alonzo C. Jeter, III, v State of South Carolina
PCR Case No. 2019-CP-11-0457

Dear Honorable McBee:

ATTENTION - Please find two (2) letters of correspondence intended to obtain your reply, dated December 20, 2021 and December 21, 2021.

Please also find enclosed Motion For Appointment of Counsel, Motion For Investigative Expert, Counsel, Expenses, and Ex parte Hearing and Discovery, Motion For Leave and Assistance In Initiating Disposition, Interrogatories, & Subpoena Production of Documents (Discovery), Applicant's Exhibits AA, BB, CC, DD, EE, FF, GG, & HH, Certificate of Authenticity, Applicant's Notice and Motion For Discovery, and Correspondence Request to Jeanette W. McBride - Clerk, Richland County Court for issuance of subpoena.

Please find an additional copy of all stated documents along with a self addressed stamped envelope. Please return to me file-stamped copies of all stated documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **H**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**NO ACCESS TO LAW LIBRARY FOR EIGHT (8) MONTHS**

No Access To The Law Library For 8 Months

Appendix I - Pgs 626-628

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EXHIBIT JJJ

~~626~~

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER

TO: NAME:	TITLE:	DATE:
Mr. Bates	Compliance	October 14, 2020
INMATE'S NAME:		SCDC #:
Alonzo C. Jeter, III		282902
INSTITUTION:		LIVING QUARTERS:
Tyger River Correctional Institution		U-9-202

Mr. Bates,

Will you please provide me with written confirmation that verifies that there remains to be no access to the law library.

Thank You,

Alonzo C. Jeter, III

DISPOSITION BY STAFF MEMBER:

We have placed in each unit, for Inmates to sign up for the law library, check on the board.

EXHIBIT LLL

James Bates (C005367)

From: Pamela Sloss (C059571)
Sent: Wednesday, August 5, 2020 9:33 AM
To: James Bates (C005367); Jonathan Nance (C026656)
Subject: Law Library Computers

The law library computers have been down since February 19, 2020. Since then, the Covid-19 pandemic state of emergency has taken place in South Carolina, and the law library computers are still down as of August 5, 2020.

Pamela Sloss
Library Media Specialist
Tyger River Correctional

Sent from my Verizon, Samsung Galaxy smartphone.

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **I**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**ATTEMPT TO CONFUSE APPLICANT REGARDING APPOINTMENT OF COUNSEL**

Cherokee County Clerk Of Court, Together With The Adversary Party Makes An Attempt To Confuse Applicant And The PCR Court Record As To The Appointment Of Counsel

Appendix II - Pgs 537, 540

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EXHIBIT-BBB

Common Pleas

CASE HISTORY FOR CASE 2019CP1100457

Alonzo C. Jeter III VS State Of South Carolina

:D DATE: 6/19/2019 | CASE TYPE: CP/PCR 500 | STATUS: Dismissed

ASSIGNED JUDGE: Clerk Of Court C P, G S, And Family Court

DISPOSITION JUDGE: Cole, J. Derham

SE PARTIES:

Plaintiff	Jeter, Alonzo C. III 200 Prison Road Tyger River CI, U9-0202-B, Enoree, SC 29335
Defendant	State Of South Carolina
)efendant Attorney	Wilson, Alan McCrory S.C. Attorney General's Office, PO Box 11549, Columbia, SC 292111549
Plaintiff Pro Se	Jeter, Alonzo C. III 200 Prison Road Tyger River CI, U9-0202-B, Enoree, SC 29335
Plaintiff Attorney	Richey, Rodney Wade PO Box 10916, Greenville, SC 296030916

SE HISTORY FOR CASE 2019CP1100457

ter, Alonzo C. III
200 Prison Road Tyger River CI
U9-0202-B
Enoree, SC 29335

Age: Unknown
DL#:

DOB: Unknown
SSN: 000-00-0000

OST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Total:				

TE	TIME	EVENT DESCRIPTION
9/2019	11:45 AM	Filing recorded: Post Conviction Relief
9/2019	12:31 PM	Filing recorded: Other/Proof of mailing to AG office
/2019	11:46 AM	Filing recorded: Exhibit/Filing of Exhibits
28/2019	4:17 PM	Filing recorded: Citation of Supplemental Authorities
8/2020	4:35 PM	Filing recorded: Letter
/2020	2:40 PM	Filing recorded: Exhibit/Filing of Exhibits
/2020	11:29 AM	Filing recorded: Motion for Appointment of Counsel

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **J**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**U.S. DIST. JUDGE FINDING OAG ACTIONS BIZARRE**

US District Judge Finds The Adversary's/State's Gamesmanship Bizarre; Adversary's/State's Continuous Failure And Refusal To Provide The State Court Record In The Case

Appendix I - Pgs 174-177

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Alonzo C. Jeter, III vs State of South Carolina, Et Al
Civil Action No. 2024-CP-40-01737

EXHIBIT
J

US District Judge Finds The Adversary's/State's Gamesmanship Bizarre; Adversary's/State's Continuous Failure And Refusal To Provide The State Court Record In The Case

Appendix I - Pgs 174-177

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Alonzo C. Jeter, III, # 282902, Petitioner, v. Barry Tucker, Respondent.	Case No. 2:19-cv-1945-MGL-MGB **ORDER**

This habeas matter is before the Court on Petitioner Alonzo Jeter's motion to appoint counsel and his motion to compel (Dkt. Nos. 30 & 31). The Court denies the motion to appoint counsel. The motion to compel is granted in part and denied in part.

I. Motion to Appoint Counsel

Jeter asks the Court to appoint him a lawyer so that he can receive assistance on what he calls an exceptionally complex case. (Dkt. No. 30 at 2–3.) However, as Jeter acknowledges, there is no constitutional right to counsel in habeas cases. (*See id.* at 1.) And although Jeter's case is somewhat unusual, Jeter has ably represented himself so far. Thus, his motion is **denied** without prejudice to request counsel again if circumstances change.

II. Motion to Compel

Last October, the Court determined the Warden failed to file relevant state-court records, as Rule 5 of the Rules Governing § 2254 Cases requires. (Dkt. No. 27 at 2.) The Court ordered the Warden to file those records and to also promptly file all additional documents that may be submitted in any of Jeter's PCR cases. (*Id.*)

In response, the Warden submitted several additional documents. (*See* Dkt. No. 29.) Jeter then moved to compel, asserting there were other documents that the Warden needed to file. (Dkt.

Court need not decide whether the rule also covers documents filed in state court after the respondent in a § 2254 case has answered the petition. In the October 3 order, the Court stated that the Warden had a continuing duty to supplement the record with documents submitted pending PCR cases and directed him to promptly file anything that is submitted in those cases. (Dkt. No. 27 at 2.) The Warden's failure to file the two documents, which Jeter submitted to the PCR court at the end of last October, does not comply with that directive.

The documents at issue are all readily available to the public online, and the undersigned read them before issuing this order and before issuing her report and recommendation regarding the Warden's summary judgment motion and Jeter's motion to stay. Thus, the Warden's omissions have not prejudiced Jeter. Nonetheless, they are disconcerting, to say the least, and this Court's record should include all state-court materials that the undersigned read (and that should have been part of the record). Therefore, Jeter's motion to compel is **granted** as to items 1, 3, 5, and 6 on his reply brief. The Warden shall file the four missing documents by January 17, 2020. The undersigned reminds the Warden of his continuing duty to supplement this Court's record with any documents that may be filed in the pending PCR matters.

IT IS SO ORDERED.

January 14, 2020
Charleston, South Carolina

MARY GORDON BAKER
UNITED STATES MAGISTRATE JUDGE

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**PLAINTIFF'S EXHIBIT** **K** **U.S. DIST. JUDGE RECOMMENDS STAY DUE TO UNHEARD GROUND AND MOTIONS**

US District Judge Recommends To Stay Case Due To The Adversary's/State's Failure And Refusal To Allow Scheduling And Ruling On Applicant's Motions And Grounds For Post-Conviction Relief

Supplemental Appendix II - Pgs 685-702

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Alonzo C. Jeter, III, # 282902, Petitioner, v. Barry Tucker, Respondent.	Case No. 2:19-cv-1945-MGL-MGB **REPORT AND RECOMMENDATION**

Alonzo Jeter, a *pro se* state prisoner, seeks habeas corpus under 28 U.S.C. § 2254. (Dkt. No. 1.) Jeter also asks the Court to stay this case pending the resolution of a related state-court action. (Dkt. No. 3.) Meanwhile, the Warden seeks summary judgment. (Dkt. No. 19.) Under 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), the undersigned is authorized to review the motion and submit a recommendation to the District Judge. For the following reasons, the undersigned recommends granting the Warden's motion by dismissing this case for lack of jurisdiction.

BACKGROUND

Jeter has been in state prison since 2015 after pleading guilty to several drug charges. In addition to this federal habeas action, Jeter has filed three post-conviction relief ("PCR") actions in state court: (1) a 2016 case Jeter lost at the PCR court, with an appeal currently pending before the South Carolina Court of Appeals; (2) a 2017 case Jeter lost, both in the PCR court and on appeal; and (3) a 2019 case now pending in the PCR court. The 2016 PCR case relates directly to the 2015 sentences Jeter is now serving; the other two cases relate to two 2004 state-court convictions that have since expired. Although Jeter attacks only those 2004 convictions in this federal habeas case, the 2015 convictions and 2016 PCR case provide context for that attack.

count of trafficking in methamphetamine, second offense. (Dkt. No. 18-1 at 8–9.) At the guilty-plea hearing, the court instructed the prosecutor to identify all of Jeter's prior convictions that the State was using to charge Jeter as a repeat offender. (*Id.* at 20.) The prosecutor identified a 2005 conviction for possession of "either methamphetamine or crack cocaine" and a 2013 conviction for possession of a controlled substance. (*Id.* at 20–21.) The prosecutor never mentioned Jeter's 2004 crack convictions. (*See id.*)

In keeping with the plea deal, the state court sentenced Jeter to fifteen years in prison on each of the two distribution charges and on the trafficking charge. (Dkt. No. 18-1 at 22–23.) It sentenced Jeter to ten years on each of the distribution-within-proximity charges. (*Id.* at 23.) The court ran all the sentences concurrently. (*Id.* at 22–23.) Jeter did not appeal.

The 2016 PCR Case

In April 2016, Jeter filed a PCR application challenging his 2015 convictions. (Dkt. No. 18-1 at 26–36.) Among other things, Jeter claimed plea counsel provided ineffective assistance by failing to challenge the State's decision to charge Jeter as a third offender. (*Id.* at 68.) Jeter contended he had no prior convictions that qualified as predicate offenses for any sort of recidivist charge, let alone third-offense charges. (*See id.*) He faulted plea counsel for not recognizing that and for encouraging him to accept a negotiated sentence on second-offense charges. (*Id.* at 66, 68).

The PCR court held a hearing in March 2017. (Dkt. No. 18-1 at 48.) Jeter testified that the 2013 controlled-substance conviction the State cited during his guilty plea involved marijuana, while the 2005 conviction it cited was actually Jeter's 2004 crack conviction; the prosecutor misspoke during the guilty-plea hearing. (*Id.* at 59–61, 103.) Because South Carolina did not allow charges to be enhanced with prior offenses that either involved marijuana or were over ten

A month later, the PCR court issued an order denying Jeter's application. (Dkt. No. 18-1 at 174–88.) As to the claim regarding the sentencing enhancements, the court found plea counsel performed sufficiently because he had a strategy of avoiding separate trials and a possible life sentence. (*Id.* at 184–85.) Importantly, the court also found counsel's alleged error did not prejudice Jeter because he did in fact have enough prior convictions to make him eligible for recidivism-based sentence enhancements. (*Id.* at 185.) The court based that finding on Jeter's 2004 crack convictions, which it treated as separate offenses. (*Id.*)

Jeter has petitioned for certiorari. (Dkt. No. 18-2.) Among other things, Jeter asserts the PCR court erred in denying his ineffective-assistance claim regarding the sentencing enhancements. (*Id.* at 14–20.) He argues the PCR court's treatment of his crack convictions was inconsistent with both South Carolina law and the agreement under which he pleaded guilty in 2004. (*Id.* at 18–20.) Jeter's certiorari petition is still pending before the South Carolina Court of Appeals as case number 2017-001777.

The 2017 PCR Case

In June 2017, Jeter filed a second PCR application. This time, he focused on his 2004 crack convictions. (Dkt. No. 18-4.) Proceeding *pro se*, he alleged he pleaded guilty in 2004 based on an agreement with the State that his two crack charges would be treated as a single, first-offense conviction. (*Id.* at 3.) The State breached that agreement, he alleged, by presenting them to the first PCR court as separate convictions that made him eligible for recidivist charges in 2015. (*Id.*) Jeter asked for a hearing and a lawyer. (Dkt. No. 29 at 31–32.)

Without holding a hearing, the PCR court issued an order in December 2017 conditionally dismissing the case. (Dkt. No. 18-5.) The court found the case barred both by the statute of limitations for PCR actions and by the equitable doctrine of laches. (*Id.* at 2, 4–5.) It also found

the Court of Common Pleas for Cherokee County, South Carolina, under case number 2019-CP-11-00457. As of the date of this report, the PCR court has not taken any action on it, and the State has not filed anything in the case.

PROCEDURAL HISTORY

Jeter filed his § 2254 petition this past July, shortly after he filed his third PCR case. He asserts three grounds for relief. The first attacks the 2004 convictions themselves, while the second and third challenge the proceedings in the 2017 PCR case:

GROUND ONE: Ineffective Assistance of Counsel—Sixth Amendment. Plea counsel failed to ensure that the agreement and understanding of the terms of the plea were written on the sentencing sheet. Plea Counsel failed to make a motion for clarification of the sentence structure ensuring that the sentencing sheets reflected the agreement and understanding that my plea and conviction would merge and be considered one 1st offense conviction for enhancement purposes.

GROUND TWO: Due Process Violation—The PCR Court and the South Carolina Supreme Court violated my rights to Due Process as both courts failed to consider the veracity and genuine issues of material fact regarding my claims.

GROUND THREE: The lower courts violated my rights to the assistance of counsel pursuant to the Sixth Amendment of the United States Constitution and Rule 71.1(D) of the South Carolina Rules of Civil Procedure, thereby also violating my rights to due process as well.

(Dkt. No. 1 at 16, 17.) Jeter asks this Court to direct the state court to hold a hearing and correct the record to reflect that the 2004 convictions were to count as only a single first offense. (*Id.* at 14.)

A motion to stay accompanies Jeter's petition. (Dkt. No. 3.) In it, Jeter asks this Court not to decide his federal habeas petition until the state courts rule on his latest PCR case. (*Id.* at 1.)

U.S. at 491. This is so even if the expired conviction continues to carry collateral consequences, such as its potential to be used to enhance a sentence for a later conviction. *See Id.* at 492.

Jeter has made it clear that in this case, he is challenging only his long-expired 2004 convictions. Under the section of § 2254 petition form directing him to identify "the judgment of conviction [he is] challenging," Jeter listed only his 2004 convictions. (Dkt. No. 1 at 1.) The relief he seeks involves only the correction of the record regarding those convictions. (*Id.* at 14.) In other filings, Jeter has stated the 2016 PCR case is irrelevant to the issues in his federal habeas petition. (*See* Dkt. No. 22 at 1; Dkt. No. 32 at 9, 28.) *Maleng* therefore instructs that the Court lacks jurisdiction because Jeter filed his petition not being "in custody" under the expired convictions he challenges. The Court should dismiss on that basis.

Because Jeter is representing himself, the undersigned has considered whether his § 2254 petition should be liberally construed as also (or instead) attacking the 2015 convictions for which he is currently serving time. Jeter's clearly stated intent to focus only on the 2004 convictions make such a construction untenable. But even if the petition could be construed such a way—that is, even if his current convictions were the direct target of his petition—Jeter still could not dispute the validity of his 2004 convictions within such a case.

Maleng left open the question of whether an expired prior conviction "itself may be subject to challenge in the attack upon the [current] sentences which it was used to enhance." *Maleng*, 490 U.S. at 494. In 2001, the Supreme Court determined the answer was "No." *Lackawanna Cty. Dist. Atty. v. Coss*, 532 U.S. 394, 402 (2001). In *Coss*, the Supreme Court found that a petitioner claiming the sentence he is currently serving was enhanced by an unconstitutional prior conviction does satisfy § 2254(a)'s in-custody requirement. *Id.* at 401–02. However, based on the need for finality and other policy concerns, the Supreme Court then held that "once a state conviction is no

*3 (S.D. W. Va. Jan. 17, 2019) (citation omitted), *appeal dismissed*, 765 F. App'x 38 (4th Cir. 2019); *Burgers v. Almager*, No. CV 07-8379-JVS (PJW), 2009 WL 982604, at *1 (C.D. Cal. Apr. 9, 2009); *Garrison v. Wolfe*, No. 1:01-cv-531, 2007 WL 851881, *1–2 (W.D. Mich. Mar. 20, 2007). The undersigned takes a different view, as *Coss* and *Willis* addressed different aspects of habeas: *Willis* involved § 2254(a)'s in-custody requirement, while *Coss* created an additional roadblock for habeas petitioners who are "in custody." Nevertheless, she agrees that the rule established in *Coss* ultimately prevents *Willis* from helping Jeter.

Jeter next cites two South Carolina Supreme Court opinions as support for his contention that jurisdiction exists: *Brown v. State*, 814 S.E.2d 146 (S.C. 2018) (per curiam), and *McElrath v. State*, 277 S.E.2d 890 (S.C. 1981). (*See* Dkt. No. 32 at 32.) Those cases do not inform the jurisdictional issue before the Court. They involve the prerequisites for seeking PCR in state court, not the jurisdictional restrictions on pursuing habeas in federal court. *See, e.g.*, *Brown*, 814 S.E.2d at 147 (explaining that, unlike § 2254, the analogous PCR statute has no "in custody" requirement).

Finally, Jeter asserts his case is not moot. (Dkt. No. 32 at 8, 21, 28.) But whether a case is moot is "a separate inquiry from the jurisdictional issue" of whether a petitioner is in custody under § 2254(a). *Brooks v. N.C. Dep't of Corr.*, 984 F. Supp. 940, 946 (E.D.N.C. 1997); *see also Maleng*, 490 U.S. at 492 (clarifying that although collateral consequences of a conviction may prevent a habeas case from becoming moot after the petitioner's release, they do not satisfy the "in custody" requirement).

For the above reasons, the undersigned concludes the Court lacks jurisdiction to hear Jeter's challenge to his 2004 convictions. She therefore recommends dismissing this case without prejudice.

role in the enforcement of federal law" and to "prevent disruption of state judicial proceedings." *Rose*, 455 U.S. at 518. Those purposes are integral to the preservation of federalism, and district courts must see that they are taken seriously; § 2254 petitions containing even one unexhausted claim usually must be dismissed in their entirety, even if they also contain properly exhausted claims. *Id.* at 510, 518, 520.

For years, a prisoner who filed a "mixed" § 2254 petition—one asserting both exhausted and unexhausted claims—had two options: delete the unexhausted claims from his petition or go back to state court, let that court system rule on his claims, and then (if need be) return to federal court. *Rose*, 455 U.S. at 510. The latter option became problematic in 1996, when Congress created a one-year limitations period for filing § 2254 petitions. *See* 28 U.S.C. § 2244(d). Combined with *Rose*'s dismissal requirement, the limitations period created a risk that prisoners who timely filed mixed petitions would "forever los[e] their opportunity for any federal review of their unexhausted claims." *Rhines v. Weber*, 544 U.S. 269, 275 (2005). That would certainly occur when the federal court dismissed a mixed petition after the limitations period had expired,[3] and it could easily occur when the federal court dismissed just before that period was to expire. *See id.*

To fix that problem, the Supreme Court approved the practice of staying § 2254 cases involving mixed petitions and holding them in abeyance while prisoners exhausted their unexhausted claims. *Rhines*, 544 U.S. at 275–76. It did so largely on comity principles. *See id.* at 274 ("'[I]t would be unseemly in our dual system of government for a federal district court to

[3] The filing of a § 2254 petition in federal court does not toll the limitations period. *Duncan v. Walker*, 533 U.S. 167, 181–82 (2001).

defaulted because Hyman failed to pursue it. *Id.* at *8. The district court disagreed and granted habeas. *Id.*

On appeal, the Fourth Circuit concluded the case had to be stayed because the state courts failed to "confront[] the procedural or substantive propriety" of the claim, and the reason for their omission was unclear: "perhaps they did not consider [it] to be fairly presented, perhaps they meant to implicitly reject it on the merits, or perhaps they simply overlooked it." 2011 WL 3489092 at *9–10. That lack of clarity left the Fourth Circuit uncertain whether the state courts would allow Hyman to try to litigate the claim again. *Id.* at *10. Recognizing the federalism that animated *Rhines* and *Pace*, the Fourth Circuit held the appeal in abeyance in order to give the state courts "an opportunity to weigh in on the procedural and substantive issues" involving Hyman's claim. *Id.* at *11.

Here, as in *Hyman*, the Warden argues Jeter's ineffective-assistance claim against his 2004 lawyer (Ground One of Jeter's habeas petition) was not properly exhausted in state court and is now procedurally defaulted. (Dkt. No. 18 at 33.) The more compelling similarity to *Hyman* is the treatment Ground One received in state court. Jeter asserted the claim in the 2017 PCR case by amending his application to include it. (Dkt. No. 29 at 55–56.) The PCR court, however, never ruled on its substance, its timeliness, or any other aspect of it. Instead, the court disposed of Jeter's entire 2017 case by adopting its reasoning from the conditional order of dismissal, which was issued before Jeter asserted the claim and thus obviously did not address it. Even more curiously, the PCR court said it was adopting that reasoning after reading Jeter's responses to the conditional order and "the original pleadings." (Dkt. No. 29 at 118.) That phrase suggests the PCR court knew Jeter had amended his application, and yet it dismissed the case without addressing the amendment. In any event, the fact that the court did not address Ground One is clear, even if the

successive PCR applications where the defendant "never received a full bite at the apple" in the first PCR case because he "was essentially prevented—through no fault of his own—from fairly presenting his claims and/or having his claims adjudicated in the initial PCR application." *Id.* That observation informs the analysis here. The undersigned has not found any PCR cases with a history precisely like Jeter's. It may well be that the state courts find Jeter has had his one bite and therefore dismiss his latest application as successive. But between the similarities to *Case*, the PCR court's unusual handling of Jeter's ineffective-assistance claim, and the fact that Jeter's 2017 PCR application stemmed from what the State did in another PCR case, the undersigned cannot confidently predict the 2019 PCR case will end that way. The state courts could find Jeter was denied a full and fair shot at litigating Ground One. Because Jeter may still have a means of relief available to him in state court, his case is not meaningfully different than *Hyman*.[5]

The Warden also argues no stay is needed because the 2019 case is untimely. (Dkt. No. 18 at 1.) It is true that the 2017 PCR court found another of Jeter's claims involving the crack convictions time-barred under the PCR statute of limitations. Importantly, however, the court never made such a ruling—or any ruling—on Ground One. The current PCR court may find Jeter had to assert the claim within one year of conviction, as subsection 17-27-45(A) of the South Carolina Code generally requires and as the PCR court held in the 2017 case. Or, perhaps it may find the application timely; after all, the State went more than a decade without trying to use the convictions as predicates for sentencing enhancements, and Jeter has produced reports from South Carolina law enforcement agencies indicating he had only one crack conviction in 2004. (*See* Dkt.

[5] Indeed, in *Hyman*, the Fourth Circuit was similarly uncertain whether Hyman would be able to proceed in state court and, if so, what types of proceedings might be available to him. *See* 2011 WL 3489092 at *10 ("[W]e are uncertain whether, if Hyman seeks to resurrect the exculpatory witness component in the state courts, those courts will enforce a procedural bar."); *id.* at *11 n.11 ("We take no position as to what, if any, procedural avenues may yet be available to Hyman in the Court of Appeals or Supreme Court of North Carolina.").

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **L**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**PROOF MOTIONS ARE FORWARDED TO THE ADVERSARY**

Proof Motions Are Forwarded To The Adversary Party/Attorney General For Determinations, Scheduling, And Ability To Block Applicant's Pleadings From Receiving Hearing And Adjudication

Appendix II - Pgs 535-536

Alonzo C. Jeter, III vs State of South Carolina, Et Al

Civil Action No. 2024-CP-40-01737

EXHIBIT
L

Proof Motions Are Forwarded To The Adversary Party/Attorney General For Determinations, Scheduling, And Ability To Block Applicant's Pleadings From Receiving Hearing And Adjudication

Appendix II - Pgs 535-536

EXHIBIT-AAA(6)

Alonzo C. Jeter, III #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, SC 29203

York County Court
Clerk of Court's Office
Civil Division
PO Box 649
York, SC 29745-0649

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DAVID HAMILTON
C.C.C.P. & G.S.
YORK COUNTY, SC

Dear Clerk:

I write seeking that you will please inform me of the following with regard to PCR actions.

1. When an application for PCR is filed pro se and the Attorney General's Office determines that PCR Counsel should not be appointed, is there other recourse which would allow the indigent PCR applicant to be appointed counsel?

2. When motions are filed in PCR actions are these motions automatically placed on a motions calendar, docket, or forwarded to the common pleas Judge? Or, are the motions rather automatically forwarded to the Attorney General's Office?

3. Is it the Office of Attorney General or the Clerk's office who schedules such filed motions for hearings?

Please do not construe this inquiry as solicitation for legal advice, as I am only seeking to understand the ministerial duties of this Court with regard to PCR matters. Please do return to me a stamped copy of this correspondence along with your response.

Sincerely,
Alonzo C. Jeter, III

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III,	)	
Plaintiff,	)	**PLAINTIFF'S EXHIBIT**
vs	)	**M**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**ALL FILED RULE 59(E), SCRCP MOTIONS IN PCR ACTION**

Filed Rule 59(E), SCRCP, Motions (3 Motions)

Appendix I - Pgs 247-274, 286-298, 452-455

182/331

September 21, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, Applicant's Motion To Alter Or Amend Judgment Pursuant to Rule 59(E), SCRCP, And Hearing on this Motion; Applicant's Exhibit "P"; and Certificate of Service for the Same.
Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

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CHEROKEE COUNTY, S.C.
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BRANDY W. MCBEE

Mrs. Brandy W. McBee
Clerk Of Court, Cherokee County
Post Office Drawer 2289
Gaffney, S.C. 29342

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Alonzo Jeter, #282902
200 Prison Road Tyger River C
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Enoree, SC 29335

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BRANDY W. MCBEE

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Specifically, Applicant shows the Court that he filed
(1) Motion For Appointment Of Counsel And Affidavit
In support on July 1, 2020.
(2) Motion For Hearing (On the Procedural Questions and
Merits in this case) on November 20, 2020
(3) Renewed Motion For An Appointment of Counsel
(Integrated in Applicants Supplemental Response to
Respondents Return, Respondents Motion to Dismiss,
And Conditional Order of Dismissal) on March 29,
2021.
(4) Motion For Independent Adjudication And Hearing
On Motions on August 16, 2021.
(5) Motion For Written Order of the Chief Judge
for Administrative Purposes For the Court of
Common Pleas, on September 7, 2021.

Applicant respectfully moves that this Court would
adjudicate upon each of these motions. Applicant
also asks that in making the ruling on these motions
that this Court would, rather than issue a Matter
Hubbard ruling or order, that the Court would state
specifically and clearly its reasons for its determ-

this Court in support of his claims.

Further and more importantly, this Court fails to accept as true the facts presented by the Applicant and view those facts in the light most favorable to the Applicant. (S.C. Code Ann. 17-27-80).

This Order falls short as the Order nor Respondent disputes the Scintilla of evidence which there is a substantial amount of and is genuine matter, nor does this Order nor Respondent dispute Applicants facts which refute the assertions of this Court and Respondent and which therefore provides the genuine issues of material fact which support hearings on the procedural questions and merits in this case and also calls for appointment of counsel.

DENIAL OF FUNDAMENTAL RIGHTS TO DUE PROCESS

Applicant will show this Court's violation of the procedural due process and substantial due process rights and the Court's violation of Applicants rights to Equal Protection. All such rights as guaranteed and this Courts violates Applicants United States Constitutional Amendment rights to this Due Process and South Carolina Constitution

and this Court without any respect, attention, or credence given to the Applicant.

Violation of Rule 71.1(f) & Rule 77(d) SCRCP

Applicant will also object to the manner in which the Final Order of Dismissal was provided to the Court for entry and filing.

Specifically, Applicant will show the mandate and requirements as stated in the South Carolina Rules of Civil Procedure. Rule 71.1(f), SCRCP states:

> "The post-conviction relief Judge shall submit the signed final order or judgment to the clerk for filing and the clerk of court shall provide notice of entry of judgment and serve a copy of the order or judgment to the parties as provided in Rule 77(d), SCRCP.

Also, Rule 77(d), SCRCP, states as follows:

> "[I]n post-conviction relief actions, the post-conviction relief Judge shall submit the signed order or judgment to the clerk of court for filing and the clerk shall promptly provide notice of the entry of judgment and serve

case, for filing in your office. Please forward a time stamped copy to our office for our records."

Chelsey F. Marks, also provided Applicant a copy of this same signed but unfiled, unentered, Final Order of Dismissal which does not bear the Courts time-stamp, date-stamp. See envelope bearing postage date stamp US Postage dated 9/07/2021.

Applicants constitutional rights, as guaranteed by the South Carolina and United States Constitutions are violated as the seperation of powers doctrine, equal protection clause, and procedural and substantive due process rights are clearly violated.

Such is further violated as the South Carolina Attorney General's Office, as the adversary, has in-fact been the sole adjudicator in this case, deciding the case, controlling the management thereof, has had ex parte communication and suasion in all aspects of this case. See Exhibits

This is extremely significant as Applicant has filed motions which were intentionally submitted as an aion to reveal the Attorney General's Office suasion and finger which tilts the scales of Justice in this case.

of the case.") id. (overruled on other grounds.) The Judge has a ministerial duty to rule on these motions and is bound by the rules of the South Carolina Rules of Civil Procedure. Therefore a motions hearing should be held.

The Cherokee Clerk of Court has a ministerial duty to place the motions on the motions calendar. The motions should be ruled on and should contain the facts, findings and conclusions of law as to the reasons and how the Judge reached his decision.

LACK OF FACT FINDINGS CONCLUSIONS OF LAW

Applicant asks that this Court would issue its facts, findings and conclusions of law as to all matters in this case; the motions, the scintilla standard, successive, statute of limitations, and all other issues; especially and importantly the genuine issues of material fact which exist throughout this case.

The Final Order of Dismissal relies on facts, findings and conclusions which are non existant within the

in his favor, as it should. Rather, Applicant simply now seeks a sufficient ruling on each and every issue, matter, and motion, which contains the facts, findings, and conclusions of law which support its determination and decision with regard to each of these issues.

Applicant does realize that he does not have to agree with the Courts overall determination, however, Applicant is also aware that this Courts reasons for each of the determinations regarding each of the issues must be clearly revealed and addressed each specifically and clearly through the facts, findings, and conclusions of law.

Applicant incorporates all prior filings in this case and supports this Rule 59(E) with the same. Applicant again seeks and asks that the Chief Administrative Judge for Common Pleas would review all filings in this case independently and without any suasion of the Office of the Attorney General.

APPLICANT SEEKS THIS COURTS FINDINGS OF FACT, CONCLUSIONS OF LAW WITH REGARD TO ALL ISSUES PRESENTED which are:

1. Applicants Genuine issues of material fact
2. The Acceptance of Applicants facts and claims as true and viewing the same in the light most favorable to Applicant
3. The Applicability of Case v State, 277 SC 474, 289 SE2d 413 (1982)

VIOLATION OF SEPERATION OF POWERS AND RESULTING PARTIALITY AND PREJUDICE TO THE APPLICANT; VIOLATION OF EQUAL PROTECTION

APPOINTMENT OF COUNSEL

Applicant has continually expressed his desire for an appointment of counsel in this PCR action. This has been requested in motions and several of Applicants filings in this case. Applicant has also attempted to show this Court its clear error in failing to appoint counsel in this action pursuant to Gary v State, 347 SC 627, 557 SE2d 662 (2001) as the State moved for summary dismissal, and that this denial violates Due Process and Equal Protection as guaranteed by the South Carolina and United States Constitutions.

Applicant also shows this Court that it made an identical mistake in his prior PCR action wherein he attempted to raise issues wherein the PCR Court dismissed claiming that the PCR Application lacked specificity and did not raise cognizable claim. (PCR Case No. 2017-CP-11-0486).

of why this Court and lady Justice seems to wear a blindfold so that it cannot see Applicants' pleadings and has also decided to place earplugs in its ears so that Applicants voice would not be heard; Applicant has become aware of the administrative order which was issued by then Chief Justice Jean Hoefer Toal. (RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court, Sup. Ct. Order dated October 6, 2008, Order No. 2008-10-06-01).

This administrative order specifies that counsel will not be appointed in cases in which the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit.

However, the Administrative Order fails to inform as to how a PCR applicant is to pursue and obtain such written order. Never-the-less, Applicant filed a Motion For Written Order of the Chief Judge For Administrative Purposes For The Court of Com-

his mind and amend his ruling accordingly.")

However, Applicant was robbed of such an opportunity as the Respondent was provided the original signed Final Order of Dismissal through Ex parte communication. The Respondent knew that Applicant was beginning to bring light to the seperation of powers violation matters which exist in the PCR case and therefore chose to move quickly, as Applicant had also recently filed a Motion For Independent Adjudication And Hearing On Motions, with this Court on August 16, 2021. Unclean hands attempted to move quickly in attempt to silence the Applicant as Applicant was armed with a flashlight and was beginning to shine the light therefrom on these hands which are pressed secretly upon the scales of Justice.

Rather than the Respondent meeting secretly with the Judge and Court, this signed original order should have been submitted to the clerk of court directly for filing as mandated by Rule 71.1(d), SCRCP and Rule 77(d), SCRCP. See also, Russell v Wachovia Bank

Office and serve as] the Judge raises the specter of partiality and calls the validity of the entire system into question.)

("Vesting a member of the executive branch with the exclusive authority to perform an inherently judicial function unquestionably is a violation of seperation of powers.") id.

("A [PCR Applicant] has a due process right to have his case heard by a fair and impartial Judge.") id.

In seeking to gain an understanding of why the Chief Justice Toal would issue such a questionable order, Applicant finds the Chief Justice's complaint directly within the order as it states, "I find that in many cases counsel are being appointed when the [total Rule 71.1, SCRCP] standard has not been satisfied.

The Chief Justice further complains that, "[In] a significant number of these cases, the application is ultimately denied as being successive or as being barred by the statute of limitations. The appointment of counsel in such cases places an unnecessary burden

finally, in 2012, substantial changes were made to the system for appointments under Rule 608, SCACR.

Betsy Goodale, has written a somewhat recent article titled, 2-4-6-8- Who Do We Appreciate? Rule 608 Contract Attorneys!' This article boasts "The new system of appointments works!"

The overall problem was that adequate funding was not being provided by the General Assembly for civil appointments. Finally in 2012 relief came by way of the 2012-2013 General Appropriations Act.

However, Chief Justice Toal's administrative order is still in effect today and is used as a trap for the unwary. This order has been interpreted to allow the Attorney General's Office handle the entire PCR case in all aspects as respondent, adversary and adjudicator regarding not only the appointment of counsel, but the entire case in total.

In the case at bar, the clerk of court has refused to place Applicant's motions on the Calendar, File Book and motion calendar. The clerk of court seems to be unaware of Rule 79(g), SCRCP, and Appellate

405

REQUEST FOR A HEARING ON THIS RULE 59(E) MOTION

Applicant does request that this Court will convene a hearing on this motion.

As this case is one which is complex, novel, and has a unique posture, the interest of Justice would require that a hearing which would allow for a fully transcribed proceeding would be convened, and to be made available for the Appellate Court and any and all other interested parties.

This case does involve several Justiciable matters which are of significant public interest.

RECORD PRESERVATION

Applicant also seeks that the record would contain the Requests to Staff which are on the SCDC Kiosk system. Applicant has not been afforded the opportunity to receive a hardcopy of the Requests to Staff due to SCDC policies. Applicant is requesting an Order of this Court that would compel the SCDC to produce and provide these Requests which are a total of approximately eight (8) messages.

CONCLUSION

Applicant prays this Court would alter or amend its Judgment and ultimately rescind the Final Order of Dismissal, grant Applicant motion hearings, hearing

407

September 28, 2021

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, III, v State of South Carolina**
Case No. 2019-CP-11-0457

Dear Ms. McBee:

Enclosed, please find for filing, Applicant's Supplemental Motion To Alter or Amend Judgment, and Motion To Recuse, along with a Certificate of Service for the same. Please also find, enclosed, an additional copy of the same along with a self-addressed stamped envelope. Please return to me, filed-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 OCT -1 PM 12:18
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	Case No. 2019-CP-11-0457 APPLICANT'S SUPPLEMENTAL MOTION TO ALTER OR AMEND JUDGMENT (Pursuant to RULE 59(e), SCRCP) AND REQUEST FOR HEARING ON THIS MOTION

The Applicant, Alonzo C. Jeter, III, hereby provides a supplemental Motion To Alter or Amend Judgment which is intended to be incorporated or added to the motion To Alter or Amend Judgment which Applicant mailed to this Court on September 21, 2021, for filing in this case. Applicant inadvertently failed to include other significant interests and supportive authority as Applicant filed the Rule 59(e) motion in the quickest manner allowed. There are several barriers which Applicant face as he litigates his actions prose.

Overland, Inc. v Nance, 423 SC 253, 815 SE2d 431 (2018) ("A trial court does not have any power to grant an extension of time in which to file a motion to alter or amend a judgment.")

This fails as the South Carolina Legislature fails, to consider the barriers and undue hardships along with the unwarranted and incapacitated prisoner.

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, SC
2021 OCT 12 PM 12:11
BRANDY W. MCBEE

Questions of law or fact which will require a hearing...)

Applicant would also show for indulgence the fact that the Respondent strategically and wisely did not assert the defense of laches in seeking to summarily dismiss Applicants application and claims. The Respondent did raise a claim of laches in the prior PCR action, (Case No. 2017-CP-11-0486), which was erroneously and unreasonably denied by this Court.

This is significant because the Respondent was careful and cautious as laches would have opened the door and dovetailed to explain all unreasonableness of the claim and this Courts prior errors. Whitehead v State, 352 SC 215, 574 SEd 200 (2002) ("Laches is defined as neglect for an unreasonable and unexplained length of time, under circumstances affording opportunity for diligence to do what in law should have been done.")

The evidence that Applicant has provided for the record along with reasonable explanation concerning such and the matters and issues of this case was to clear and convincing, therefore, Respondent would rather choose

the court for summary judgment, and a hearing was held on the motion. During the hearing, where there was oral argument, the trial judge orally granted summary judgment. However, it was not until 52 days later that the trial judge issued a written order granting summary judgment.

Plaintiff's counsel alleged that the trial judge engaged in inappropriate ex parte communication with opposing counsel in the interim between the oral granting of summary judgment and entry of the written order, thereby creating bias or prejudice on the part of the trial judge.

The South Carolina Court of Appeals ruled that the Plaintiff could not demonstrate that the grant of summary judgment was affected by, or the product of, bias or prejudice. Further, the Court found that albeit ex parte communication would have occurred before the issuance of the final written order any bias allegedly created by such communication had no effect on the order, and this was evidenced by the fact that the written order was substantially the same as the oral order announced from the bench.

Both, Rule 71.1(f), SCRCP and Rule 77(d), SCRCP, were violated in this case, the Rules mandate that the post-conviction relief Judge **shall** submit the signed order or Judgment to the clerk of court for filing.

Johnston v South Carolina Dept. of Labor, Licensing and Regulation, South Carolina Real Estate Appraisers Board, 365 SC 293, 617 SE2d 363 (2005) ("The term "shall" in a statute means that the action is mandatory.")

It was mandatory that the Judge provide the signed Final Order of Dismissal in this case to the clerk of Court rather than directly to the Respondent in this case. Especially, when both actors knew that Applicant had pending filings, motions, and novel questions of law which were complex and which already questioned the faith of the Judicial system and its integrity with regard to the case in totality.

HEARING ON THE 59(e) Motion

Applicant does understand that he must file the 59(e) SCRCP, motion to preserve his issues raised.

be afforded a meaningful opportunity to contest the factual basis for that deprivation before a neutral decision maker); Carey v Piphus, 435 U.S. 247, 259 (1978) ("Procedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property.") Applicant again asks that this Court provide a hearing(s) on:

1. Merits of this case in totality
2. Procedural questions
3. Regarding ALL motions filed
4. Regarding the 59(e) motion

CONCLUSION

Professor Robert M. Cover, "Bob", of Yale Law School, prior to his death wrote:
The principal icon of justice suggests a myth and the myth may provide a clue to the ambiguities of procedural postures. Justitia - sword and scales with blindfolded eyes. There is a critical ambiguity to the blindfold of Justice - which no end of

Applicant also seeks that all issues raised in his original Application as well as his Supplemental Amendments be ruled on sufficiently and include facts, finding, and conclusions of law, to include this Court's failure to provide counsel pursuant to Gary v State and Odom v State, and failure to provide a hearing pursuant to McCoy v State regarding the procedural questions, and Chambers v State and Delaney v State with regard to the merits.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Tyger River Correctional Inst.
200 Prison Road
Enoree, South Carolina 29335

This 28th day of September, 2021.

"less than ideal"). See recently, Burr v Jackson, 19 F.4th 395 (4th Cir. 2021) ("[The Court does] continue to "strongly criticize" the practice of verbatim (or close-to-verbatim) adoption of proposed opinions.")

Purposely Omitted Facts, Factual Basis & Uncontroverted Evidence

The Attorney General/Respondent in its Order which this Court chose to adopt blindly, purposely has omitted those facts which are pertinent to this case. There is for example, no discussion of the amendment to Applicant's prior PCR which this same practice of this Court allowed to prejudice Applicant. There is no discussion as to the proper standard of review, the Scintilla and more than scintilla standards. See Burr v Jackson, 19 F.4th 395 (4th Cir. 2021) (Emphasizing that a party nor this Court cannot dodge the proper standard of review by simply failing to argue it or address it.)

There has been no discussion of the evidence and exhibits which Applicant has submitted for the record and this Court's review. See Joseph Cambell Williams, II, v State, 2022 WL 110293 (slip copy) (The Supreme Court of South Carolina, "recognize[s] the regrettable practice "[of] successfully excluding] evidence and then arguing that there is a lack of evidence). The evidence is not lacking in the case at bar it is simply ignored with no reasonable basis as it is uncontroverted.

This Court has declined to make any rulings on Applicants' motions which has been filed in this case. Such errors are an abuse of discretion and also a violation of Applicants' due process rights guaranteed by the U.S. and S.C. Constitutions.

This Court must make rulings on these motions and provide the facts and conclusions of law which support or at least attempt to explain this Courts reasons for its decisions. See State v Tessnear, 257 SC 290, 185 SE2d 611 (1971) (South Carolina Supreme Court explaining, "A determination of whether the motions ... should have been granted requires a review of the material facts upon which the lower court acted.")

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

This 14th day of January, 2022.

425

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **N**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**UNFAIR SURPRISE HEARING CONDUCTED TO PREVENT DISCOVERY FROM BEING ENTERED INTO RECORD**

Unfair Surprise Hearing

Appendix II - Pgs 502, 505, 516-518, 560-562, 612-613, 615-617, 506-507

Next Day Discovery Due To Be Provided To The Applicant – Therefore, Adversary Schedules An Unfair Surprise Hearing To Be Held Prior To Applicants Acquisition Of Discovery Proof

Appendix II - Pgs 490, 492-493, 499-501, 509-511, 505

PCR Scheduled So As To Stop Discovery And Prevent Discovery From Entering The Record

Appendix II Pgs 550, 552-554, 506-507

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PCR Scheduled So As To Stop Discovery And Prevent Discovery From Entering The Record

Appendix II Pgs 550, 552-554, 506-507

428

The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the Honorable J. Derham Cole be vested with jurisdiction to hear and dispose of nonjury common pleas matters for Post-Conviction Relief for the Seventh Judicial Circuit for the day of March 31, 2022. This jurisdiction is concurrent with his assignment to the nonjury term of the Court of Common Pleas for the Seventh Judicial Circuit for the week of March 28, 2022, which is otherwise unaffected by this Order.

DONALD W. BEATTY, CHIEF JUSTICE

By: Tiffany E. Raines
Deputy Director, Court Services
S.C. Court Administration

Columbia, South Carolina
March 28, 2022

429

April 1, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 APR 11 AM 9:13
BRANDY W. MCBEE

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2289
125 E. Floyd Baker Boulevard
Gaffney, South Carolina 29342

RE: Alonzo C. Jeter, III v State; PCR Case No. 2019-CP-11-0457

Dear Honorable McBee.

I write in regards to a hearing which was held at the Spartanburg County Courthouse on March 31, 2022, in the above captioned action.

I did attend this hearing. However, I never received any notice from your office which notified me nor informed me that this hearing had been scheduled.

Please do provide me any documents your office has available regarding any scheduling of any matters in this action and and also regarding any scheduling and notifications regarding this hearing. There is none because I did not schedule the hearing.

Please do also provide me a file-stamped copy of this correspondance, by way of the provided SASE.

Thank you for your attention and assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

BMM - 4/11/22

430

April 1, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable J. Derham Cole
PO Box 1744
180 Magnolia St., 2nd Floor
Spartanburg, SC 29304-1744

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 APR 11 AM 9:
BRANDY W. HOBBEE

RE: Alonzo C. Jeter, III, v State; PCR Case 2019-CP-11-04577 (Cherokee County)

Dear Honorable Judge Cole:

I write with regard to the hearing which was convened on March 31, 2022, in the above case. This hearing concerned the RULE 59(E) motion that was filed in this case.

1. Unfair Surprise - I was not provided notice of the hearing or any scheduling of the hearing and thus was totally unaware that I would be attending the hearing. This caused me to be totally unprepared.

2. Convoluted Record - The record that I was provided, which was composed by and given to me by the State at the hearing on the 59(E) motion was convoluted as it contained a mixture of records of every case that I have filed in the South Carolina Courts. This is again a "hail mary" thrown by the State seeking to confuse the record and to overwhelm Your Honor.

I could not comprehend the record as it was composed. This along with the surprise proceeding worked to provide the State with an unfair advantage in the proceeding - as the State was infact noticed of the proceeding and was prepared for the same (as evidenced by the State's having a copy of the convoluted record readily available to provide the Court and myself copy of the same).

I would also point out the fact that the State had laptop open and available and did make use of this during the proceeding, and did have notebook with notes.

I had none of this.

3. The scheduling of the hearing - I would ask that the record reflect who exactly scheduled the hearing on the RULE 59(E) motion and who exactly provided the State and the Court notice that such hearing was scheduled. Please do allow your order to reflect this in detail as the State was provided opportunity to be ensured that the scheduling didn't conflict with the State's scheduling of any other matters.

4. Lack of Notice - Please also allow the order to reflect the Court's failure to provide notice to me. Please also provide me transcribed copy of this proceeding.

Thank you for your attention in this regard.

Sincerely,

Alonzo C. Jeter, III

cc: Chelsey F. Marto, AAG
Brandy W. McBee, Clerk Cherokee Cty.

FILED IN OFFICE OF
CLERK OF CRIM. CT.
CHEROKEE CO., GA.
2022 APR 11 AM 11:
BRANDY W. MCBEE

Alonzo C. Jeter, III #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

May 9, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
PO Box 2289
125 E. Floyd Baker Blvd.
Gaffney, SC 29342

PRIORITY MATTER

RE: Alonzo C. Jeter, III v State; PCR Case 2019-CP-11-0457

Dear Honorable McBee:

Enclosed for filing, please find the Motion To Reopen The PCR Record And Leave To Complete Discovery, along with a Certificate of Service for the same.

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

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

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

FILED IN THE OFFICE OF CLERK OF COURT
2022 MAY 13 A 11: 26
BRANDY W. McBEE
CLERK OF COURT, SC

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Jeter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	IN THE COURT OF Common Pleas IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457 *PRIORITY MATTER* MOTION TO REOPEN THE PCR RECORD And LEAVE TO COMPLETE DISCOVERY

FILED
CHEROKEE COUNTY
2022 MAY 13 A 11:32
CLERK OF COURT

REOPEN THE PCR RECORD

Applicant respectfully motions that this Court would reopen the PCR Record to allow opportunity to include on and for the record production of documents and things which would be responsive to outstanding subpoena requests.

Applicant, at a hearing which was held on his RULE 59(E) SCRCP motion on March 31, 2022, did inform the Court that he intended to seek discovery and further discovery in this case. Applicant did also express his difficulties with doing so in an pro se and inmate prisoner capacity, and did ask the court with assistance.

On April 11, 2022, Applicant did file production of documents and things responsive to Applicants April 1, 2022, subpoena to the SCDC, and did also, in this pleading, inform the Court that an Audio CD was provided and Applicant was having difficulty obtaining this in hand to be submitted to the Court for the record in this case.

Applicant has an additional subpoena for documents and things, subpoena request which has been issued on the SCDC. This subpoena request sought SCDC's compliance by April 10, 2022, and the SCDC failed to acknowledge nor comply with this subpoena request.

Consequently, Applicant has issued another subpoena for documents and things on the SCDC and has sought its compliance on or before May 16, 2022.

LEAVE TO COMPLETE DISCOVERY

Applicants respectfully asks this Court for leave to complete discovery (a full and fair opportunity). Applicant seeks that this Court remain mindful that RULE 56(f), SCRCP, applies when it appears "from the affidavits of a party opposing [a summary Judgment] motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition." See also Doe ex rel. Doe v Batson, 345 SC 316, 548 SE2d 854 (2001), stating "Summary Judgment must not be granted until opposing party has had full and fair opportunity to complete discovery."

Applicant has not been dilatory in pursuing discovery, but rather has been diligent, as the record would clearly reflect. See also Baughman v American Tel and Tel. Co, 306 SC 101 (1991).

435

As such, Applicant does unambiguously object to the Courts granting of Summary Judgment with an incomplete record and basis that there exists no "genuine" issue as to material fact."

Respectfully submitted,

This 9th day of May, 2022.

FILED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT
2022 MAY 13 A 11:26
BY [illegible] DEPUTY CLERK

436

Spartanburg County

EXHIBIT - FFF

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483

Phone (864) 596-2591
Fax (864) 596-2259

Amy W. Cox
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 APR 25 PM 12:02
BRANDY W. MCBEE

April 11, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

Dear Mr. Jeter,

We do not handle scheduling court dates, the Attorney General's office handles scheduling. We only deal with filing. Wee will forward this letter to the Attorney General's office for you.

Your charges were also in Cherokee County, you just had a hearing at the Spartanburg County. You will need to reach out to the Clerk of Court.

The Honorable Brandy W. McBee,
PO Drawer 2289
Gaffney, SC 29342-2289

Please let us know if we can be of further assistance to you.

Sincerely, MS -Deputy Court Clerk

437

EXHIBIT-GGG

April 1, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable Amy W. Cox
Clerk, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 APR 25 PM 12:02
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v State, PCR Case 2019-CP-11-0457

Dear Honorable Cox:

I write in regards to a hearing which was held at the Spartanburg County Courthouse on March 31, 2022, in reference to the above captioned case.

I did attend this hearing. However, I never received any notice from your office which notified me or informed me that this hearing had been scheduled.

Please do provide me any documents you have available regarding, discussing and scheduling, and notifying this hearing.

Please do also provide me a file-stamped copy of this correspondence which I current wride, along with your response.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

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EXHIBIT HHH

South Carolina Court Administration

South Carolina Supreme Court

Columbia, South Carolina

1220 SENATE STREET, SUITE 200
COLUMBIA, SOUTH CAROLINA 29201

April 11, 2022

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 APR 25 PM 12:02
BRANDY W. MCBEE

Mr. Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

Re: Your correspondence received April 8, 2022

Dear Mr. Jeter:

Your recent request for documents has been received by this office and forwarded to this section for response. You requested a copy of a "motion" for jurisdiction. Please be advised that no such motion exists. It appears from your correspondence that you have already received a copy of the Order granting Judge Cole jurisdiction to conduct PCR hearings on March 31, 2022.

As requested, a copy of your letter to this office is also enclosed and is stamped as received on the back of the document.

Sincerely,

Staff Attorney Section / tr

Enclosure

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III, #282902,
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2019-CP-11-0457

APPLICANT'S MOTION TO RECONSIDER / OBJECTION TO APRIL 22, 2022 RULE 59(E) RULING and PROCEDURE

Applicant, Alonzo C. Jeter, III, hereby submits a Motion to Reconsider / Objection to the Form 4 Order issued on April 22, 2022, final dismissing Applicant's Application for Post-Conviction Relief.

Specifically, the Order was a denial of Applicant's RULE 59(E) Motion seeking that this Court would Alter and Amend its Judgment.

A hearing was held on Applicants' RULE 59(E) motion. However as this Court failed to provide Applicant Notice of the scheduled hearing, Applicant did experience unfair surprise and was prejudiced thereby as Applicant attended the hearing totally unprepared.

Applicant did express to the Judge at the hearing that he was unable to digest and comprehend the comparison of the PCR record at the hearing.

Further, Applicant experienced unfairness as the Judge did not seek to clear any unambiguities, misinformation or misconceptions he may have had but rather, the Judge

and Respondent sit quiet, leaving Applicant at a loss of what questions the Court needed clarity on.

If Applicant was properly prepared and noticed of the hearing, Applicant would have surely been prepared with several questions of the Judge and Respondent.

Applicant would have surely asked inter alia.

① Who scheduled the hearing?
② Who schedules hearing on Applicant's motions?
③ Will the Court be addressing Applicant's motions today?
④ Is this hearing a motions hearing, procedural question hearing, discovery hearing, etc anything other than simply the RULE 59(E) motion hearing?

As Applicant was not provided Counsel to represent him at this hearing, Applicant was totally unsure of exactly what the hearing consisted of and whether or not this RULE 59(E) hearing consisted of all other hearings Applicant had previously requested.

Applicant was under the assumption the Court knew the law and that summary judgment would be premature and could not be granted without giving Applicant Full and Fair Opportunity to obtain discovery and evidence to substantiate his claims. See Doe ex rel. Doe v Batson, 345 SC 316, 242 / 331

548 SE2d 854 (2001); Baughman v American Tel. and Tel. Co., 306 SC 101, 410 SE2d 537 (1991).

As such, Applicant was surely under the impression that the Court would provide him assistance in compelling discovery prior to issuing its order.

Applicant did also seek that the Court would address all motions filed and Applicants motion for assistance with copying, etc costs and etc.

As Applicant is unsure whether the Court will take time to read this motion, schedule hearing of the same, and make an independent unbiased adjudication regarding the same; Applicant hereby informs this Court that he will proceed to file a Notice of Appeal within the 30 day period for doing so after the ruling on the RULE 59 (E) motion which was adjudicated upon on April 27, 2022 so as to be timely, as Applicant is at a loss as to whether the motions he has filed ~~on~~ subsequent to this adjudication will toll time for Noticing Appeal. However, Applicant will still seek that ruling on all issues and all motions be ~~heard~~ ruled on by this Court.

Respectfully submitted,

Alonzo C. Yoder, III

This 11th day of May, 2022

2022 MAY 13 P 3:24

June 13, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable J. Derham Cole
PO Box 1744
180 Magnolia St., 2nd Floor
Spartanburg, SC 29304-1744

RECEIVED
JUN 16 2022
S.C. SUPREME COURT

RE: Alonzo C. Jeter, III v State; 2019-CP-11-0457

Dear Judge Cole:

I write with regard to the hearing that was held on March 31, 2022, at the Spartanburg County Courthouse in the above captioned PCR case.

Will you please inform me who scheduled that hearing? Also, will you please provide me a copy of any correspondances between your office and the Office of the Attorney General with regard to the scheduling and planning of hearings in this case, to include the March 31, 2022, hearing.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

443

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

June 13, 2022

Alan M. Wilson, Esq.
Office of the Attorney General
ATTN: PCR Coordination Section
P.O. Box 11549
Columbia, South Carolina 29211-1549

RECEIVED
JUN 16 2022
S.C. SUPREME COURT

RE: Alonzo C. Jeter, III, v State; 2019-CP-11-0457

Dear Sir,

I write with regard to a hearing which was held on March 31, 2022, at the Spartanburg County Courthouse in the above captioned action.

Will you please inform me who scheduled this hearing and also who informed the SCDC of this scheduled hearing?

Secondly will you please provide me copies of any correspondence between your office and the PCR Court/Judge's Office, Clerk's office, and/or SCDC with regard to the scheduling and planning for the hearings in this case.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

June 13, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

Chelsey F. Marto, AAG
Office of the Attorney General
PO Box 11549
Columbia, South Carolina 29211-1549

RECEIVED
JUN 16 2022
S.C. SUPREME COURT

RE: Alonzo C. Jeter, III, v State; PCR Case 2019-CP-11-0457

Dear Ms. Marto,

I write to with regard to the hearing which was held on March 31, 2022, at the Spartanburg County Courthouse in the above captioned matter.

Will you please inform me who scheduled this hearing and also who informed the SCDC of this scheduled hearing?

Secondly, will you please provide me copies of any correspondence between your office and the PCR Judge and/or the SCDC, and the clerks office with regarding to the scheduling and planning of the hearings in this case.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

445

June 13, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

Office of General Counsel
South Carolina Dept of Corrections
4444 Broad River Road
P O Box 21787
Columbia, South Carolina 29221-1787

RECEIVED
JUN 16 2022
S.C. SUPREME COURT

RE: Scheduled PCR Matters

Dear Counsel:

I was transported from Manning Correctional Institution to Spartanburg County Courthouse on March 31, 2022, for the purpose of attending a PCR hearing that was being convened that day. I have mailed correspondence to Teresa Player/Stacy Richardson, but no answer.

Will you please inform me/provide me with a copy of the correspondence (redacted as necessary) which provided the SCDC notice that I would need to be transported to the hearing? Who informed the SCDC that this hearing was scheduled? Please do provide me a copy of the correspondences which would reflect these things. I am self-represented in the action.

Thank you for your assistance in this matter.

Sincerely,

446

June 13, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

Office of General Counsel
South Carolina Dept of Corrections
4444 Broad River Road
P O Box 21787
Columbia, South Carolina 29221-1787

RECEIVED
JUN 16 2022
GENERAL COUNSEL

RE: Scheduled PCR Matters

Dear Counsel:

I was transported from Manning Correctional Institution to Spartanburg County Courthouse on March 31, 2022, for the purpose of attending a PCR hearing that was being convened that day. I have mailed correspondence to Teresa Player/Stacy Richardson, but no answer.

Will you please inform me/provide me with a copy of the correspondence (redacted as necessary) which provided the SCDC notice that I would need to be transported to the hearing? Who informed the SCDC that this hearing was scheduled? Please do provide me a copy of the correspondences which would reflect these things. I am self-represented in the action.

Thank you for your assistance in this matter.

Sincerely,

April 1, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable J. Derham Cole
P O Box 1744
180 Magnolia St., 2nd Floor
Spartanburg, SC 29304-1744

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 APR 11 AM 9:
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III, v State; PCR Case 2019-CP-11-0457 (Cherokee County)

Dear Honorable Judge Cole:

I write with regard to the hearing which was convened on March 31, 2022, in the above case. This hearing concerned the RULE 59(E) motion that was filed in this case.

1. Unfair Surprise - I was not provided notice of the hearing or any scheduling of the hearing and thus was totally unaware that I would be attending the hearing. This caused me to be totally unprepared.

2. Convoluted Record - The record that I was provided, which was composed by and given to me by the State at the hearing on the 59(E) motion was convoluted as it contained a mexture of records of every case that I have filed in the South Carolina Courts. This is again a "hail mary" thrown by the State seeking to confuse the record and to overwhelm Your Honor.

I could not comprehend the record as it was composed. This along with the surprise proceeding worked to provide the State with an unfair advantage in the proceeding - as the State was infact noticed of the proceeding and was prepared for the same (as evidenced by the State's having a copy of the convoluted record readily available to provide the Court and myself copy of the same).

I would also point out the fact that the State had laptop open and available and did make use of this during the proceeding, and did have notebook with notes.

I had none of this.

3. The Scheduling of the hearing - I would ask that the record reflect who exactly scheduled the hearing on the RULE 59(E) motion and who exactly provided the State and the Court notice that such hearing was scheduled. Please do allow your order to reflect this in detail as the State was provided opportunity to be ensured that the scheduling didn't conflict with the State's scheduling of any other matters.

4. Lack of Notice - Please also allow the order to reflect the Court's failure to provide notice to me. Please also provide me transcribed copy of this proceeding.

Thank you for your attention in this regard.

Sincerely,

Alonzo C. Peter, III

cc: Chelsey F. Maeto, AAG
Brandy W. McBee, Clerk Cherokee Cty.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE CO. GEORGIA
2022 APR 11 AM 9:53
BRANDY W. MCBEE

449

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	**PLAINTIFF'S EXHIBIT** **O** **GAMESMANSHIP IN THE CASE AT BAR**

Gamesmanship In the Case At Bar: Defendants' Counsels Failure To Provide Fair Notice, Attempt To Confuse The Record, And ExParte Scheduling and Communications:

1. Envelope from Defendants' counsel bearing postmark date of 6/12/2024, containing Exparte Email Correspondence of J. Emory Smith, Jr., L. David Leggett and Honorable Kristi F. Curtis; received by Plaintiff on June 17, 2024, by and through Evans Correctional Institution's Legal Mail System

2. Exparte Email Correspondence of J. Emory Smith, Jr., L. David Leggett and Honorable Kristi F. Curtis Informing Judge Curtis of Hearing Date

3. Notice of Motion Scheduling, dated May 21, 2024, Regarding Calendar No. 1145 -:)

4. Email Correspondence Dated May 31, 2024, From J. Emory Smith To Paul Gunter and Copied To Inter Alia

5. Notice of Motion Scheduling, dated May 21, 2024, Regarding Calendar No. 1145 -:)

6. Notice of Motion Scheduling, dated May 21, 2024, Regarding Calendar No. 1145 -:)

7. Notice of Motion Scheduling, dated May 21, 2024, Regarding Calendar No. 1145 -:)

450

8. Affidavit of Personal Service of "Memorandum of the State and Attorney General with correspondence to him and the Clerk"

9. Correspondence From J. Emory Smith, Jr., to Plaintiff, Dated June 11, 2024

10. Correspondence From J. Emory Smith, Jr., to Jeanette McBride, Dated June 11, 2024

11. Certificate of Service From J. Emory Smith, Jr., Regarding Service of Memorandum In Support of Motion To Dismiss of the State and Attorney General (bearing caption and case no. of 2023-CP-42-05085 case)

12. Envelope Postmarked 6/12/2024, Received By and Through Evans Correctional Institution's Legal Mail System on June 17, 2024, Containing
Correspondence, Dated June 12, 2024 From J. Emory Smith, Jr., to Jeanette McBride regarding a Corrected Certificate of Service

13. Correspondence From J. Emory Smith, Jr., to Jeanette McBride, Dated June 12, 2024, Regarding Filing of a Corrected Certificate of Service for the Memorandum of the State and the Attorney General

14. Certificate of Service Corrected, Dated June 12, 2024, Filed By J. Emory Smith, Jr.

451

22/122

OFFICE OF THE ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

FIRST-CLASS MAIL
$001.12
06/13/2024 ZIP 29201
043M5206928

US POSTAGE

JUN 17 6 11AM Coer T

Alonzo Jeter, SCDC #282902
610 Highway 9 West
Bennettsville, SC 29512

452

David Leggett

From:	David Leggett
Sent:	Wednesday, June 12, 2024 10:20 AM
To:	'kcurtisj@sccourts.org'; 'Curtis, Kristi F. Law Clerk (Jack Jackson)'
Cc:	Harley Kirkland; Emory Smith; 'kcurtissc@sccourts.org'
Subject:	RE: Alonzo Jeter v. State 2024CP1001737
Attachments:	Jeter - Memo (03603746xD2C78).PDF; Jeter - Memo COS (03603727xD2C78).PDF

Your Honor,

Attached is the Memo in Support of the Motion to Dismiss of the various individual defendants in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him.

The motion hearing is set for 9:30 am tomorrow, Thursday June 13.

Sincerely yours,

L. David Leggett, Assistant Attorney General
Office of the South Carolina Attorney General
Legal Services Division | Civil Litigation Section
Office 803-734-3177 | Fax 803-734-3677
P.O. Box 11549 | Columbia, SC 29211
scag.gov

This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

From: Emory Smith
Sent: Tuesday, June 11, 2024 3:14 PM
To: kcurtisj@sccourts.org; kcurtislc@sccourts.org
Cc: kcurtissc@sccourts.org
Subject: Alonzo Jeter v. State 2024CP1001737

Your Honor,

Attached is the Memo in Support of the Motion to Dismiss the State and Attorney General in this case together with a certificate of service. I have mailed these documents to Mr. Jeter and also emailed them to Corrections for service on him. I will mail this email to him.

The motion hearing is set for 9:30 am in Columbia.

Respectfully,

254/331

453

Emory

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
Solicitor General Division | Office 803-734-3642
P.O. Box 11549 | Columbia, SC 29211
esmith@scag.gov



This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

255/331

454

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

May 21, 2024

Motion "MDISMS - Motion/Dismiss" for Case: 2023CP4205085 - Alonzo C Jeter III #282902 VS Spartanburg Municipal Court Et Al , defendant, et al has been added to the following Motions Roster:

1145 - NON-JURY MOTIONS/JUDGE BURCH

This hearing of this motion has been scheduled for 6/17/2024 at 9:30 AM.

The non-jury motions for Monday, June 17, 2024, have posted on the judicial website. The hearings will be held in-person before the Honorable Paul M Burch in courtroom 6C, on the sixth floor of the Spartanburg County Judicial Center located at 180 Magnolia Street Spartanburg SC 29306. If you have any questions, please contact Maribel M Martinez, by email at mmartinez@spartanburgcounty.org or by phone at 864-596-3967.

Mail Notice To:	Court Info:
Alonzo C Jeter III 610 Hwy 9 West Bennettsville, SC 29512	Common Pleas Spartanburg County P O Box 3483 Spartanburg, SC 29304-9304

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(864)596-2591

Respectfully,

Amy Cox
Clerk of Court

256/331

455

Emory Smith

From:	Emory Smith
Sent:	Friday, May 31, 2024 11:24 AM
To:	PAUL GUNTER
Cc:	Newman, Jocelyn Law Clerk (Bailey McDaniel); Newman, Jocelyn Secretary (Nazaire Rutledge); David Leggett; Harley Kirkland; DGoodsteinlc@sccourts.gov; DGoodsteinSC@sccourts.gov
Subject:	Jeter v. State et al 2024CP4001737 - Conflict with other hearing involving the same plaintiff
Attachments:	Motion "MDISMS-Motion/Dismiss" for Case "2023CP4205085-Alonzo C Jeter III # 282902 VS Spartanburg Municipal Court Et Al , defendant, et al" was added to a Motions Roster for 6/17/2024 at 9:30 AM

Good morning.

Motions to Dismiss of the Defendants in this case have just been scheduled for 930 am on July 17 before Judge Goodstein which conflicts with another hearing elsewhere involving the same plaintiff and some of the same defendants. I represent the State and Attorney General Wilson in this Richland case and David Leggett represents the other defendants.

As shown by the attached emailed notification, another motions hearing has been scheduled for the same date and time in Spartanburg in another case brought by Mr. Jeter in which I am representing the State. Because the Spartanburg hearing was already scheduled ten days ago, I respectfully request that this motions hearing in Richland be rescheduled for a different day. I am available for other days that week as is counsel for the other Defendants. I do have protection for June 20 & 21, but I no longer need it for those days. I do still need protection for the July days ordered by the Court.

Please note that Assistant Attorney General David Leggett should be listed as counsel for the other defendants. I will mail a copy of this email to Mr. Jeter who is a pro se inmate.

Thank you for your consideration of this matter.

Respectfully,

Emory Smith

J. Emory Smith, Jr. | Deputy Solicitor General
Office of the South Carolina Attorney General
Solicitor General Division | Office 803-734-3642
P.O. Box 11549 | Columbia, SC 29211
esmith@scag.gov

This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.

456

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

May 28, 2024

Motion "MSUMJM - Motion/Summary Judgment" for Case: 2021CP4004301 - Alonzo C. Jeter, #282902 vs South Carolina Law Enforcement Division , defendant, et al has been added to the following Motions Roster:

2152 - MOTIONS ROSTER JUNE 13, 2024 VIA WEBEX

This hearing of this motion has been scheduled for 6/13/2024 at 9:30 AM.

The above referenced case has been scheduled for a Motions hearing before Judge Kristi Curtis. ALL MOTIONS WILL BE CONDUCTED VIA WEBEX. TO ACCESS THIS HEARING, GO TO SCCOURTS.ORG, SELECT "CALENDAR" AND THEN "MONTHLY VIEW". YOU WILL SELECT "CIRCUIT" ON THE DAY OF YOUR HEARING AND LOOK FOR JUDGE CURTIS. Please file any briefs or memorandums the Wednesday before the week of the hearing to kcurtislc@sccourts.org. All requests for continuances must be in writing with a $25 filing fee and received by the Chief Administrative Judge prior to the hearing. A Request for Continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motion is resolved prior to the heaing to borer.athena@richlandcountysc.gov

Mail Notice To:	Court Info:
Alonzo C. Jeter, #282902 Evans Correctional Instituion 610 Hwy 9 West Bennettsville, SC 29512	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(803)576-1999

Respectfully,

Jeanette W. McBride
Clerk of Court

258/331

457

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

May 31, 2024

Motion "MDISMS - Motion/Dismiss of State And Wilson" for Case: 2024CP4001737 - Alonzo C Jeter III, #282902 vs State Of South Carolina has been added to the following Motions Roster:

2134 - MOTIONS ROSTER JUNE 17, 2024 VIA WEBEX

This hearing of this motion has been scheduled for 6/17/2024 at 9:30 AM.

The above referenced case has been scheduled for a Motions hearing before Judge Diane Goodstein. ALL MOTIONS WILL BE CONDUCTED VIA WEBEX. TO ACCESS THIS HEARING, GO TO SCCOURTS.ORG, SELECT "CALENDAR" AND THEN "MONTHLY VIEW". YOU WILL SELECT "CIRCUIT" ON THE DAY OF YOUR HEARING AND LOOK FOR JUDGE GOODSTEIN. Please file any briefs or memorandums the Wednesday before the week of the hearing to dgoodsteinlc@sccourts.org. All requests for continuances must be in writing with a $25 filing fee and received by the Chief Administrative Judge prior to the hearing. A Request for Continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motion is resolved prior to the heaing to borer.athena@richlandcountysc.gov. For WebEx assistance, call 803-576-3372

Mail Notice To:	Court Info:
Alonzo C Jeter III, #282902 Evans Correctional Institution 610 Hwy 9 West Bennettsville, SC 29512	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(803)576-1999

Respectfully,

Jeanette W. McBride
Clerk of Court

259/331

458

STATE OF
SOUTH CAROLINA

NOTICE OF MOTION SCHEDULING

May 31, 2024

Motion "MDISMS - Motion/Dismiss" for Case: 2024CP4001737 - Alonzo C Jeter III, #282902 vs State Of South Carolina has been added to the following Motions Roster:

2134 - MOTIONS ROSTER JUNE 17, 2024 VIA WEBEX

This hearing of this motion has been scheduled for 6/17/2024 at 9:30 AM.

The above referenced case has been scheduled for a Motions hearing before Judge Diane Goodstein. ALL MOTIONS WILL BE CONDUCTED VIA WEBEX. TO ACCESS THIS HEARING, GO TO SCCOURTS.ORG, SELECT "CALENDAR" AND THEN "MONTHLY VIEW". YOU WILL SELECT "CIRCUIT" ON THE DAY OF YOUR HEARING AND LOOK FOR JUDGE GOODSTEIN. Please file any briefs or memorandums the Wednesday before the week of the hearing to dgoodsteinlc@sccourts.org. All requests for continuances must be in writing with a $25 filing fee and received by the Chief Administrative Judge prior to the hearing. A Request for Continuance does not guarantee that a case will be continued. Please notify the Court in writing if the Motion is resolved prior to the heaing to borer.athena@richlandcountysc.gov. For WebEx assistance, call 803-576-3372

Mail Notice To:	Court Info:
Alonzo C Jeter III, #282902 Evans Correctional Institution 610 Hwy 9 West Bennettsville, SC 29512	Richland County Common Pleas Richland County Judicial Center 1701 Main Street Columbia, SC 29201-9201

If you have any questions regarding the scheduling of this motion, please contact the courts at:

(803)576-1999

Respectfully,

Jeanette W. McBride
Clerk of Court

260/331

459

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Cpt Wheeler (***Server***) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
) **AFFIDAVIT OF PERSONAL SERVICE**
COUNTY OF Marlboro)

On this 12 day of June **2024**, I served the **Memorandum of the State and Attorney General with correspondence to him and the Clerk**, on **Inmate Alonzo Jeter, III , SCDC Inmate # #282902**, by delivering personally and leaving a copy of these documents at **Evans Correctional Institution.** Deponent is not a party to this action.

s/ [signature]
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME
this 12th day of June, 2024
[signature]
Notary Public for South Carolina
My Commission Expires: 2/28/34

ADMISSION OF SERVICE

Service of a copy of the within _____ is admitted at the South Carolina Department of Corrections (Evans **Correctional Institution**), Marlboro County, SC this 12 day of June, *2024.*

s/ [signature]
Inmate
SCDC *Inmate* #: 282902

261/331

460

ALAN WILSON
ATTORNEY GENERAL

June 11, 2024

Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

Re: Jeter v. State, et al. 2024CP4001737

Dear Mr. Jeter:

Enclosed and served upon you is the Memorandum in Support of Motion to Dismiss. I will separately mail you certificates of service, letters to the clerks of court, and emails to the chief administrative judges with proposed orders.

Sincerely,

/s/ J. Emory Smith, Jr.
James Emory Smith, Jr.
Deputy Solicitor General

262/331

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, SC 29211-1549 • TELEPHONE 803-734-3970 • FACSIMILE 803-253-6283

461

ALAN WILSON
ATTORNEY GENERAL

June 11, 2024

The Honorable Jeanette W. McBride
Clerk of Court, Richland County
P.O. Box 2766
Columbia, SC 29202-2766

Re: Jeter v. State 2024CP4001737

Dear Ms. McBride:

Enclosed for filing with your Office is the Memorandum of the State and the Attorney General In Support of their Motion to Dismiss in together with the Certificate of Service.

Thank you for your assistance.

Sincerely,

/s/ J. Emory Smith, Jr.
James Emory Smith, Jr.
Deputy Solicitor General

cc: Mr. Alonzo C. Jeter, III, #282902 (Request separately mailed)

263/331

462

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
	)	
Alonzo C. Jeter, III,	)	C/A No. 2023CP4205085
	)	
Plaintiff,	)	**CERTIFICATE OF SERVICE**
	)	
v.	)	
	)	
Spartanburg Municipal Court; State of South Carolina; Alan McCrory Wilson, Attorney General of South Carolina,	)	
	)	
Defendants.	)	
	)	

I hereby certify that I have served the Memorandum In Support of Motion to Dismiss of the State and Attorney General on the Plaintiff by mailing a copy of the document to him at the address below this June 11, 2024, through the United States mail.

Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

/s J. EMORY SMITH, JR.

S.C. Bar No. 5262
Deputy Solicitor General

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3680
Email: ESmith@scag.gov

ATTORNEY FOR THE STATE AND ATTORNEY GENERAL

264/331

463

2:17-1221

OFFICE OF THE ATTORNEY GENERAL
STATE OF SOUTH CAROLINA

POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

JUN 17 A.M.

340285

FIRST CLASS MAIL
IMI
$000.64
08/12/2024 ZIP 29201
043M32205028
US POSTAGE

Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

29512282130 R004

464

ALAN WILSON
ATTORNEY GENERAL

June 12, 2024

The Honorable Jeanette W. McBride
Clerk of Court, Richland County
P.O. Box 2766
Columbia, SC 29202-2766

Re: Jeter v. State 2024CP4001737

Dear Ms. McBride:

Enclosed for filing with your Office is the corrected Certificate of Service for the Memorandum of the State and the Attorney General. The previous Certificate had the caption of a different case involving Mr. Jeter..

Thank you for your assistance.

Sincerely,

/s/ J. Emory Smith, Jr.
James Emory Smith, Jr.
Deputy Solicitor General

cc: Mr. Alonzo C. Jeter, III, #282902

465

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND Alonzo C. Jeter, III, Plaintiff, *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 Hoefer Toal, Donald W. Beatty, Defendants.	)	IN THE COURT OF COMMON PLEAS Civil Action No. 2024CP4001737 CERTIFICATE OF SERVICE CORRECTED

I hereby certify that I have served the Memorandum In Support of Motion to Dismiss of the State and Attorney General on the Plaintiff by mailing a copy of the document to him at the address below on June 11, 2024, through the United States mail.

Mr. Alonzo C. Jeter, III, #282902
Evans Correctional Institution
610 Hwy 9 West
Bennettsville, South Carolina 29512

/s J. EMORY SMITH, JR.

S.C. Bar No. 5262
Deputy Solicitor General

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3680
Email: ESmith@scag.gov

ATTORNEY FOR THE STATE AND ATTORNEY GENERAL

June 12, 2024

267/331

466

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

Alonzo C. Jeter, III,

Plaintiff,

vs

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 Hoefer Toal; Donald D. Beatty,
Defendants.

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

CASE NO. 2024-CP-40-01737

PLAINTIFF'S EXHIBIT
P

SUPPLEMENTAL EXPLANATION

The Supplemental Explanation

462

RECEIVED
SEP 13 2022
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari From Cherokee County
The Honorable J. Derham Cole, Circuit Court Judge
Case No. 2019-CP-11-0457

Alonzo C. Jeter, III, ... PETITIONER,

v

State of South Carolina, ... RESPONDENT.

APPELLATE CASE NO. 2022-000750

SUPPLEMENTAL / AMENDED
PETITIONER'S EXPLANATION
(Pursuant to RULE 243(c), SCACR)

PART II

ALONZO C. JETER, III

Manning Correctional Institution
502 Beckman Drive
Columbia, South Carolina

PETITIONER / *pro se*

STANDARD OF REVIEW

In PCR actions, the burden of proof is on the applicant. Butler v State, 286 SC 441, 334 SE2d 813 (1985). "This Court gives great deference to the factual findings of the PCR court and will uphold them if there is any evidence of probative value to support them." Sellner v State, 416 SC 606, 610, 787 SE2d 525, 527 (2016). "Questions of law are reviewed de novo, and we will reverse the PCR court's decision when it is controlled by an error of law." Id.

"Summary dismissal of a PCR application without a hearing is appropriate only when (1) it is apparent of the face of the application that there is no need for a hearing to develop any facts and (2) the applicant is not entitled to relief." Leamon v State, 363 SC 432, 434, 611 SE2d 494, 495 (2005); S.C. Code Ann. §17-27-70(b),(c) (2014). When considering the State's motion for summary dismissal of an application, where no evidentiary hearing has been held, the PCR judgment assume facts presented by the applicant are true and view those facts in the light most favorable to the applicant. Leamon, 363 SC at 434, 611 SE2d at 495. When reviewing the propriety of a dismissal, an appellate court must view the facts in the same fashion. Id.

Love v State, 428 SC 231, 834 SE2d 196 (2019) ("On review of a post conviction court's resolution of procedural questions arising under the Uniform Post-Conviction Procedure Act or the South Carolina Rules of Civil Procedure, the appellate court applies an "abuse of discretion" standard.") Mangal v State, 421 SC 85, 805 SE2d 568 (2017) ("Supreme Court applies an abuse of discretion standard on review of a post-conviction relief (PCR) court's resolution of procedural questions arising under the Post Convictions Procedure Act or the Rules of Civil Procedure.")

Dennison v State, 371 SC 221, 639 SE2d 35 (2006) ("Unlike review of a conviction, which is by direct appeal and is a constitutional right, review of a decision in a post conviction relief matter is discretionary by way of a writ of certiorari.")

Rule 242(b)(1), (4), SCRCP, indicates that some of the character of reasons for which this court will consider hearing of Petitioner's case is "[w]here there are novel questions of law, and "[w]here substantial constitutional issues are directly involved. This case does in-fact meet this threshold.

ANALYSIS AND DISCUSSION

Need For Declaration and Mandamus Relief &/or this Court's Adjudication of Matters

Petitioner would present the following questions to this Court as he has attempted to have these questions addressed on a prior occasion by the South Carolina Supreme Court. The South Carolina Supreme Court has declined to hear the questions and also compel in its original jurisdiction, notwithstanding the fact that should Petitioner file the action for Declaratory Judgment and Mandamus in the

County Clerk of Court's Office – Petitioner would be essentially asking and agreeing that the Respondent/Defendant/Adversaries in the actions file and adjudicate upon their own proceedings and case. (The very reason why Petitioner brings the actions in the first place.) See *Alonzo C. Jeter, III v State of South Carolina, Honorable J. Derham Cole, Brandy W. McBee*, Appellate Case No. 2022-000120)

Petitioner is aware of S.C. Code Ann. §17-27-20(B), which states, ("Except as otherwise provided in [the PCR act], it comprehends and takes the place of all other common law, statutory or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them.")

Petitioner is also aware of the South Carolina Court of Appeals' ruling in Carpenter v South Carolina Department of Corrections, 431 SC 512, 848 SE2d 346 (2020) (finding Carpenter's claims the he raised under the Declaratory Judgment Act were procedurally barred by the PCR Act because his claims, under the PCR Act "fit squarely into a category available for redress".)

Petitioner does not agree that the factors which exists in *Carpenter* equates with the facts, factors, and procedure posture of the case at bar. However out of an abundance of caution, Petitioner brings his questions and request for this courts compelling action in this action at bar. Most importantly is the public importance and public interest need for future guidance and that there be a declaration or ruling made which would cause the Office of Attorney General and the PCR courts, and clerks of courts to cease and desist their violations of separation of powers and the Constitutional rights to due process of indigent PCR applicants and all PCR applicants in general.

See also Rule 57, SCRCP, stating, "The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it is appropriate".

Petitioner seeks that this Court would exercise in its inherent powers and construe Petitioner's pleadings liberally as he is an indigent pro se litigant. Petitioner also seeks that this Court would ensure that Petitioner's questions are answered, declared, and that the courts are compelled to Act in accordance with the mandates of the South Carolina and United States Constitution. Petitioner prays that this Court would ultimately exercise in its inherent powers to bring integrity back to the PCR courts in this state. See Ex parte Dibble, 279 SC 592, 310 SE2d 440 (1983) (This Court has the inherent power to do all things to ensure that just results are reached.)

Petitioner's Specific Legal Right For Necessity Of Discharge Of Duty

Petitioner has a right that the clerk of court and judge perform their ministerial duties. This right comes by way of Rule 71.1, SCRCP, the Uniform Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 -160, and the rights to Due Process and Equal Protection as provided for under the South Carolina Constitution and United States Constitution.

QUESTIONS PRESENTED

1. Does the allowance of the Attorney General's Office to schedule all matters which relate to PCR actions violate Separation of Powers Doctrine and Due Process Rights guaranteed by the South Carolina and United States Constitutions?

2. Does the allowance of the Attorney General's Office to schedule motions and effectively make the determination as to whether or not motions will be heard or acknowledged violate Separation of Powers Doctrine and Due Process Rights guaranteed by the South Carolina and United States Constitutions?

3. What statute, court rule, or other authority does South Carolina's circuit court, circuit judges, and clerks of court rely upon that provides that the ministerial duties of making the determination as to whether or not an indigent PCR applicant shall be appointed counsel or not, the scheduling of motions, placing motions on the motion docket and calendar; are to be handed over to the Office of the Attorney General's Office?

4. Should Former Chief Justice, Jean Hoefer Toal's Administrative Order, Supreme Court Order No. 2008-10-06-01, RE: 'Appointment of Counsel in Post-Conviction Relief Cases Before The Circuit Court', be rescinded, as this administrative order serves as the catalyst for much of the Common Pleas PCR court's violations of Separation of Powers and of Due Process; as the order appears to be what the Court's lean upon in violating the Constitutional Rights of South Carolina's PCR applicants?

Petitioner seeks that this Court would adjudicate upon these questions and matters in which way is proper and that this Court would exercise in its inherent powers to do all things equitably and in the interest of justice. Petitioner has also informed this Court of his wishes that it would compel the lower court to make a ruling on the filed motions, and other ministerial duties that the lower court and clerk of court was to perform. State v Legg, 416 SC 9, 785 SE2d 369, 371 (2016) ("Procedural Due Process contemplates a fair hearing before a legally constituted impartial tribunal.")

STATEMENT OF THE CASE

Petitioner filed his Application for Post-Conviction Relief in the Cherokee County Court of Common Pleas, on (date), along with a Certificate of Service which certified that Petitioner had also served a copy of the application on the State / Office of Attorney General (Appx. I Pgs. 1-10) Petitioner also filed on this same date

a Memorandum In Support of the Application for PCR, Exhibits A thru D and an Affidavit of Authenticity. (Appx. I, pgs. 11-26)

Upon receiving confirmation that the Application had been received and filed with the Cherokee County Clerk of Court by Petitioner's receipt of a PCR case number, Petitioner filed a Motion For Appointment of Counsel as required by S.C. Code Ann. §17-28-60, along with an Affidavit In Support (Appx. I Pgs. 51-55)

Petitioner filed a Request for Admission of Genuiness of Documents on October 28, 2019. (Appx. I, pg. 70)On August 3, 2020, Petitioner filed a Motion For Appointment of Counsel, Affidavit In Support, and Memorandum In Support of Appointment of Counsel. (Appx. I, pgs. 56-61) Petitioner also filed a Motion for a Hearing on November 20, 2020, along with a Supplemental Memorandum In Support of the Application For Post Conviction Relief. (Appx. I, pgs. 72-80)

The Commons Pleas Court, Judge, nor Office of the Attorney General never acknowledged, addressed, nor responded to the motions and requests.

On December 2, 2020, (18 months after the initial filing of the Application for PCR), the Office of Attorney General filed a Return to the Application for PCR, along with a Motion to Dismiss and a Proposed Conditional Order of Dismissal. (Appx. I, pgs 81-92; 103-117)

The Office of Attorney General also easily obtained Petitioner's records of the SCDC. (Appx. I, pgs. 168, 87) Note: Petitioner has had to remain in a constant battle with the South Carolina Department of Corrections in attempt to obtain copies of his SCDC records in which he would use in support of his Application for Post Conviction Relief. (See for example *Alonzo C. Jeter, III v South Carolina Department of Corrections*; Docket No. 22-ALJ-04-0183-AP – Currently pending in the South Carolina Administrative Law Court) Petitioner asks that this Court also take judicial notice of the case file record in this case. Colonial Penn. Ins. Co. v Coil, 887 F2d 1236, 1293 (4th Cir. 1989) (The court "not[ing] that 'the most frequent use of judicial notice is in noticing the content of court records.'")

The Proposed Conditional Order of Dismissal was quickly acknowledged and signed by the Chief Administrative Judge for Common Pleas, on December 7, 2020. This was only 5 days after the Office of Attorney General presented the proposed order for his signature). (See Appx. I, pgs. 81, 87, 113, 103) Petitioner objected to the conditional order and did emphasize that motions and exhibits were filed, pending, and entered into the record. Petitioner also emphasized that he had not been provided equitable opportunity to call any omissions in the proposed order to the attention of the PCR judge prior to the judge's signing and issuance of the order as Petitioner was to be allowed pursuant to Rule 501, SCACR, Canon 3B(7)(e); S.C Code Ann. § 17-27-70(b); or Pruitt v State, 310 SC 254, 256, 423 SE2d 127, 128 (1992); and Fishburne v State, 427 SC 505, 832 SE2d 584 (2019). (Appx. I, pg. 147)

Petitioner emphasized that the order, when prepared by the Attorney General's Office, is a *"Proposed Order"*. However, when the judge signs this order it is no longer a Proposed Order, but rather is then deemed at that time a *"Conditional Order"*. As Petitioner was to receive the proposed order by mail, the 5 day period before the judge signed the order was clearly not equitable time and opportunity to respond, reply, or call any omissions to the judge prior to the judge's signing it.

Petitioner did also pray that the judge and court would be reminded of Rule 501, SCACR, Canon 3B(5), seeking that the judge be alert to avoid behavior that may be perceived as prejudicial; and Rule 501, SCACR, Canon 3B(7), seeking that the judge accord Petitioner the right to be heard.

Petitioner did renew his motions for appointment of counsel, hearing, and did file other motions. (Appx. I, pgs. 180 – 190) Notwithstanding these filings, objections, and Petitioner's bring to the court, judge, and Office of Attorney General's attention that motions remained pending, outstanding; the court, judge, nor Office of Attorney General acknowledged Petitioner and thus made no actions.

On April 5, 2021, (4 months later), the Office of Attorney General submitted a Proposed Final Order of Dismissal to the Chief Administrative Judge for Common Pleas Court. Petitioner did file objections to this Proposed Order and did bring to the court's attention that motions remained pending. (Appx. I, pgs 192-204) Notwithstanding Petitioner's efforts and diligence in this regard, Petitioner was again not acknowledged in any way.

This inequity is a practice in this state. See also for indulgence, *Alonzo C. Jeter, III, Barry Tucker*, C/A No. 2:19-cv-1945-MGL-MGB (D.S.C. 2020), as United States Magistrate Judge, Mary Gordon Baker speaks regarding the Common Pleas court judge's failure/refusal to acknowledge and rule on the motions filed in Petitioner's PCR Case *Alonzo C. Jeter, III, v State of South Carolina*, PCR Case No. 2017-CP-11-0486, which was also filed in the Cherokee County Court of Common Pleas wherein Petitioner did motion for a hearing and appointment of counsel.

Petitioner, realizing that this inequitable practice repetitive, then began to make inquiries to the Cherokee County Clerk of Court seeking to be informed of who makes the determination as to what date motions would be heard. (Appx. I, Pgs. 229, 231, 280, 421) Petitioner also inquired of who makes the decision as to whether or not counsel would be appointed to indigent PCR applicants. (Appx. I, pg. 214) The Cherokee County Clerk of Court's Office, using vagueness as a means to escape exposing truth, simply replied that all scheduling in PCR matters are handled by the Office of the Attorney General.

Petitioner, seeking to be provided more thorough answers, made additional inquiries to the Cherokee County Clerk of Court's office; however, the Clerk's office would simply not respond but would file these inquiries under Petitioner's PCR case. (Appx. I, pgs. 214, 309, 355)

Petitioner wrote to the South Carolina Court Administration, South Carolina Office of Indigent Defense, South Carolina Supreme Court, and also to other offices of clerks of courts. However, most responses remained vague in attempt to dodge the questions and not expose the truth regard to the matters. (Appx. I, pgs. 345, 346, 392, 393, 413) (See also Appx. I, pgs. 328-332). However, the truth is hidden deep within the responses. It is clear that the determination of whether or not an indigent PCR applicant will be appointed counsel or not, is made by the Office of the Attorney General; the Respondent/Adversary in the case. (Appx. I, pgs. 363-364; 404-405; 365-366)

Petitioner finally became aware of an administrative order which was issued by Former Chief Justice, Jean Hoefer Toal, Order No. 2008-10-06-01 (October 6, 2008), 'RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court'. (Appx. I, pgs. 344, 343, 403, 418-422) This order seemed to clearly reveal that Former Chief Justice Jean Hoefer Toal had elected to designate the Office of Attorney General as the determinator as to whether orr not an indigent pro se PCR applicant would be appointed counsel or not.

Reading the administrative order carefully, however, Petitioner found that notwithstanding the Office of Attorney General possible determination that counsel should not be appointed, the Chief Judge of the Common Pleas Court could issue a written order appointing counsel. It was a mandate that if the Office of Attorney General makes this determination, counsel could only be appointed by the PCR applicant obtaining a written order from the Chief Judge of the Common Pleas Court. As the administrative failed to clarify exactly how a PCR applicant was to pursue such a written order, Petitioner then searched statutes and case law of South Carolina and found no answers in this regard.

Petitioner, then looking to S.C. Code Ann. §17-28-60, found that the statute states as follows:

> If the applicant is unable to pay court costs and expenses of counsel, these costs and expenses shall be made available to the applicant in amounts and to the extent provided pursuant to Section 17-27-60. The applicant must request counsel at the time he files his application. The court must appoint counsel for an indigent applicant after the court has determined that the application is sufficient to proceed to a hearing but prior to the actual hearing. If counsel has been appointed for the applicant in an ongoing post-conviction relief proceeding, then the counsel appointed in the post-conviction relief proceeding shall also serve as counsel for purposes of this article. The performance of counsel pursuant to this article shall not form a basis for relief in any post-conviction relief proceeding.

S.C. Code Ann. §17-28-60

Again, in attempt to the attention of the judge in regards of Petitioner's motions for appointment of counsel, other motions filed, and that the judge would ultimately provide and independent adjudication upon the motions and merits of the case globally, Petitioner filed other motions.

On August 16, 2021, Petitioner filed a motion titled, 'Motion For Independent Adjudication And Hearing On Motions'. (Appx. I, pgs. 220-227) (Note: The Motion For Independent Adjudication was placed in the mail on August 13, 2021) (Appx. I, pg. 221)

On September 1, 2021, Petitioner placed in the mail for filing, a motion titled, 'Motion For Written Order Of The Chief Judge For Administrative Purposes For The Court Of Common Pleas For Appointment Of Counsel'. (Appx. I, pg. 233) This motion was filed in the office of the Cherokee County clerk of court on September 7, 2021.(Appx, I, pgs. 232-238)

Coincidentally and interestingly, the Final Order of Dismissal was signed by the judge immediately after these two motions which sought to invoke the attention of the judge was filed. (Appx. I, pgs. 239, 245) (See also Appx, I, pgs. 430, 435)

Petitioner thereafter did file a timely Rule 59(e), SCRCP motion. (Appx. I, pgs. 247-274) Petitioner also filed a supplemental Rule 59(e), SCRCP, motion. (Appx. I, pgs. 286-298) Seeking to ensure issues were preserved, Petitioner also filed an additional supplemental Rule 59(e), SCRCP, motion (Appx. pgs. 450-458)

State Farm Mutual Automobile Insurance Company v Goveneche, 429 SC 211, 837 SE2d 910 (2019) ('If a party is unsure whether he properly raised all issues and obtained a ruling, he must file a motion to alter or amend a judgment, or an appellate court may later determine the issue or argument is not preserved for review.)

Lack on Notice of Rule 59(e), SCRCP Hearing (Unfair Surprise)

A hearing was held on Petitioner's Rule 59(e), SCRCP, motions on DATE. Petitioner did not receive notice of this hearing that thus was not prepared. *See* Rule 6(d), SCRCP, ("[N]otice of the hearing [] shall be served not later than ten days before the time specified for the hearing.") Petitioner did not cite Rule 6(d), SCRCP, as he did not know exactly how many days notice he was entitled to. Petitioner was not in the position of the Office of Attorney General and judge, present at the hearing with laptops and assistance, and with legal reference such as WestLaw or Lexis at their fingertips so that he would know to cite Rule 6(d), SCRCP in his defense of not being provided *any* notice.

Dedes v Strickland, 307 SC 152, 414 SE2d 132 (1992) ("[The South Carolina Supreme Court] "construe[s] [Rule 6(d), SCRCP] to require that specific notice of the day certain fixed for the hearing must be furnished not later than ten days prior to

such hearing..."); Blanton v Stathos, 351 SC 534, 542, 570 SE2d 565, 569 (2002) ("The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.") (citations omitted).

In this hearing, it immediately became apparent to Petitioner that this hearing was simply one of formality as the judge wasn't aware of what Petitioner had included in the record of the case, did not have all of the Rule 59 (e), SCRCP, motions that Petitioner had filed, and when Petitioner objected to the fact that Petitioner had not received notice of the hearing – the judge was at a loss for words. This clearly was a violation of Petitioner's Constitutional rights to Due Process. (Petitioner does not have a copy of the transcript of that proceeding and has motioned this Court that it would assist him in funding to acquire a transcript of the proceeding. The Petitioner seeks also that a copy of the transcript be included in the Record / Appendix of this case.)

Chastain v Hiltabidle, 381 SC 508, 673 SE2d 826 (2009) (To demonstrate prejudice in a matter involving allegedly insufficient notice, an appellant must establish if he or she had received appropriate notice, he or she would have done something different, thereby affecting the decision of the trial court and advancing his or her case.) Had Petitioner been properly noticed he would have had the full and accurate record available at the hearing and would have been able to point to specific things within the record to support his arguments. Also, the Petitioner would have been able to have notes in which he would have been able to ensure that all matters in which he intended to cover with the judge were covered. Petitioner did object stating that he could not understand the composition of the record at that time as the record was composed by the Office of Attorney General and was not full and complete. This injured Petitioner as he was not able to have meaningful discussions and arguments with the Respondent nor the court. The Petitioner would have also ultimately been prepared to ask the judge if he had looked over the motion for appointment of counsel and other motions. Also, and most importantly Petitioner would have been able to ask the judge from whence authority does the allowance of the Office of Attorney General's Office to schedule all matters, schedule motions and determine whether or not the motions would be heard, and decide whether or not indigent PCR applicants would be appointed counsel or not.

Who told the Office of Attorney General to be present at the hearing? How did the Office of Attorney General know what day the hearing would be held and the time it was to be held? How did the Office of Attorney General know to prepare and have available at the hearing a convoluted printed record which consisted of mixed filings from Petitioner's cases which were relative and non-relative to Petitioner's PCR action? This seems to be a strategic practice of the Office of the Attorney General and court working in collaboration to violate the due process rights of indigent PCR applicants.

The question of notice is fundamental to the due process clause of both the United States Constitution and South Carolina Constitution. See U.S. Const. amend. XIV ("No State shall... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of

the laws."); S.C. Const. art. I, § 3 ("The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.")

Garrison v Target Corporation, 429 SC 324, 838 SE2d 18 (2020) ("[The State] should not be permitted to "lie behind a log" and ambush a [pro se PCR applicant] with an unexpected [hearing]."); Howard v U.S., 743 F3d 459 (6th Cir. 2014) ("[Pro se PCR applicants should not have to] blunder into court without having performed basic research and preparation.")

South Carolina's PCR process has become nothing more than 'a sacrifice of unarmed prisoners to gladiators'. *See* U.S. v Ragin, 820 F3d 609 (4th Cir. 2016) ("While a criminal trial is not a game in which the participants are expected to enter the ring with a near match in skills, neither is it a sacrifice of unarmed prisoners to gladiators.").

Petitioner would also express at this point that counsel should be appointed to PCR applicants to assist the applicant in raising in if there are genuine issues of material fact or law existing in the PCR applicant's case

Petitioner did also at the hearing ask for assistance with the costs and expenses associated with the litigating of this case and also a reimbursement of expenses. Petitioner did inform the judge that motions regarding this matter were also pending. (Appx. I, pgs. 312, 485)

The Blindly Adoption and Signing of Verbatim Orders

Petitioner did also complain of the court's blindly adopting, verbatim, the Office of Attorney General's proposed orders without the judge taking the time to look through the orders and make an independent review of the case file to ensure that the order is a correct representation of the case. (See also Appx. I, pgs. 400-402)

Petitioner emphasized that the proposed orders contain unreasonableness, lack of proper facts, findings, conclusions of law, and failed to address all issues raised and adjudicate on all motions filed. Any factual findings and conclusion of law with regard to anything included within the PCR orders are those of the Office of the Attorney General, rather than of the judge.

See Aiken County v BSP Div. of Envirotech Corp., 866 F2d 661, 667 (4th Cir. 1989) (labeling the "near-verbatim adoption" of proposed findings of fact and conclusions of law "less than ideal"); Anderson v City of Bessemer City, 717 F2d 149 (4th Cir. 1983) (noting that the court had "criticized" the "verbatim adoption of findings of fact prepared by prevailing parties"); Jefferson v Upton, 560 US at 293-94, 130 Sct 2217 (same); and more recently in Burr v Jackson, 19 F.4th 395 (4th Cir. 2021) ([The

Court does] continue to "strongly criticize" the practice of verbatim (or close-to-verbatim) adoption of proposed opinions.")

Reese v State, 425 SC 108, 820 SE2d 376 (2018) (Judge adopting and signing the proposed order prepared by the Office of Attorney General rather than one which was proposed by PCR applicant's counsel, notwithstanding the Office of Attorney General's failure to address all claims. This was reversed by the Supreme Court of South Carolina.) The Supreme Court, in *Reese*, further emphasized its continually having to admonish the PCR courts in this state regarding its failures to ensure that PCR orders accurately reflect the record, arguments, and matters raised by PCR applicants.
See also Fishburne v State, 427 SC 505, 832 SE2d 504 (2019) ("Because a postconviction judge will ultimately be signing the order on an application for postconviction relief, the judge must carefully review a proposed order to ensure it includes appropriate findings of fact and conclusions of law as to all issues raised; once a proposed order is finalized, signed by the judge, filed, and served upon the parties, the parties should thoroughly review the final order to make sure all issues raised were adequately addressed, and if they were not, a timely motion for findings of fact and conclusions of law should be filed, requesting the postconviction court to address the appropriate issues.")

The court in *Fishburne* fails to reach the fact that even when an indigent pro se applicant reviews the proposed order and in turn "alerts" the Office of Attorney General and the PCR court of the order's deficiencies, nothing is changed in the order despite the deficiencies being brought to the attention of the Office of the Attorney General and the PCR judge. This is because if there were deficiencies within the order, they were meant to be there as this is simply a strategy of the Office of Attorney General which it has mastered. The Office of Attorney General does realize that its office does in-fact hold much persuasion over the PCR judges in this state, does have personal relationships, and continuous ex parte communications. This works to ensure that the PCR judge would always simply blindly sign the orders regardless of their deficiencies and leave it to the indigent pro se PCR applicant to fend for himself in attempt to explain the situation to courts who do not construe pro se pleadings liberally.

See also Robinson v State, 422 SC 78, 810 SE2d 32 (2018) (The South Carolina Supreme Court finds it troubling that a judge would sign an order which contains findings which were flatly contradicted by the record.)

Purposely Omitted Facts, Factual Basis & Uncontroverted Evidence

When a dispute as to facts exists, a PCR applicant is entitled to an evidentiary hearing as a question of fact is raised which can only be resolved by a hearing. This

is especial when those facts are not conclusively refuted by the record before the PCR court. See e.g. Robertson v State, 418 SC 505, 795 SE2d 29 (2016).

When the facts exist and the record clearly supports those facts of a PCR applicant's claims, the Office of Attorney General in making its order simply ignores both those clear facts and its supporting evidence (exhibits, etc.). Further, as such, the PCR order ultimately does not include proper facts and does fail to provide a basis for the denial of PCR due to those missing facts, and thus the reviewing court is left to speculate. The Applicant, in appealing, has no way of knowing how to construct an argument as the applicant has no way of knowing how the reviewing court will speculate.

See In re Treatment & Care of Luckabaugh, 351 SC 122, 133, 568 SE2d 338, 343 (2002) ("The absence of factual findings makes [the appellate court's] task of reviewing [a] court order impossible because the reasons underlying the decision are left to speculation.") (internal quotation omitted); Atkinson v Atkinson, 279 SC 454, 456, 309 SE2d 14, 15 (1983) ("Proper appellate review is extremely difficult, if not impossible where a lower court omits specific findings of fact to support its legal conclusions.")

This same troubling occurrence applies when the Office of Attorney General, judge, and clerk of court decline to perform the ministerial duties of scheduling motions, adjudicating the motions, and setting out the sufficient factual basis for a denial or grant of the motions.

See, See State v Tessnear, 257 SC 290, 185 SE2d 611 (1971) (South Carolina Supreme Court explaining, "A determination of whether the motions... should have been granted requires a review of the material facts upon which the lower court acted. Since the pertinent facts are not included in the record, we cannot consider these questions.")

QUESTION

1. Does the allowance of the Attorney General's Office to schedule all matters which relate to PCR actions violate Separation of Powers Doctrine and Due Process Rights guaranteed by the South Carolina and United States Constitutions?

ARGUMENT

As both Petitioner's current and prior PCR cases (2019-CP-11-0457 & 2017-CP-11-0486) clearly reveal; the allowance of the Office of Attorney General to schedule all matters which relate to PCR actions clearly violates separation of powers doctrine

and the due process rights of Petitioner as this allowance has clearly allowed the Office of Attorney General to act as a barrier to the rights of PCR applicants to be heard.

Petitioner's filings made in his PCR actions were ignored due to the Office of Attorney General's strategy of not scheduling them to be heard, the Common Pleas judge therefore failing to acknowledge and rule upon them. The Office of the Attorney General as the adversary, effectively controlled the case and ultimately the outcome of the case.

Petitioner's filings were ignored for months by the Common Pleas judge and Office of Attorney General and ultimately not ruled on. The Office of Attorney General would submit its filings and its filings would immediately be scheduled to be adjudicated upon. This is because the adversary / Respondent in the case in-fact schedules its own filings and maintains a direct open-door-policy with the judge ex parte. This allows the Office of Attorney to persuade the judge in ex parte conversation and have its matters acted upon by the judge in a matter of days. The inequities in Petitioner's PCR matters are clear and does shock the conscious. (See Petitioner's irrefutable exhibits which provide proofs of the same). See also State v Langford, 400 SC 421, 735 SE2d 471 (2012) (explaining that such allowance is unquestionably a violation of separation of powers.) Petitioner did in-fact write to the judge and ask for a copy of any and all communications which have occurred between his office and the Office of Attorney General with regard to this case, motions filed in this case, appointment of counsel, and scheduling in this case. (Appx. I, pg. 310)

QUESTION

2. Does the allowance of the Attorney General's Office to schedule motions and effectively make the determination as to whether or not motions will be heard or acknowledged violate Separation of Powers Doctrine and Due Process Rights guaranteed by the South Carolina and United States Constitutions?

ARGUMENT

When the Office of Attorney General refuses to schedule motions that are filed by PCR applicants, but rather allows and entrusts the Office of Attorney General who is the adversary in the case to schedule motions, this certainly violates the separation of powers and rights to Due Process of PCR applicants. It is absurd that this allowance occurs as no one would phantom that an adversary party in a case could ultimately make determinations as to whether the opposing party's motions, etc would be heard by the judge and ruled on or not.

The clerk of court has a ministerial duty to place all filed motions on the motion's calendar, file book, and motions docket. See Rule 79, SCRCP; Rule 79(e), SCRCP.

> (a) File Book. The clerk of court shall consolidate the calendars of civil actions in the circuit court and provide for the filing and keeping of papers with respect to civil actions in the manner provided in this rule. The clerk of court for each county shall keep a Calendar, hereinafter referred to as "File Book", relating to civil actions in the circuit court in which there shall be entered and cross-indexed all proceedings of a civil nature which are instituted in the circuit court civil court for the county or are appealed to that court from a magistrate's court, municipal court, other inferior court, or any administrative agency for which provision is made for an appeal to the circuit court. The clerk of court shall maintain only one file book for the circuit civil court as required by this rule.

Rule 79, SCRCP

> (e) Motion Calendar. In addition to the file book, each clerk of court shall maintain a motion calendar in such form as prescribed by the Office of South Carolina Court Administration. The clerk of court shall place on the motion calendar all pending motions and other matters requiring a summary hearing before the judge. The motion calendar shall contain the case number, date of request, name of the action, attorneys involved and the nature of the motion to be presented.

Rule 79(e), SCRCP

Also, the judge has a legal duty to rule on Petitioner's motions. The judge's act of ruling on filed motions is a ministerial duty. See City of Rock Hill v Thompson, 349 SC 197, 563 SE2d 101 (2002) ("[T]he Court could direct a judge to rule on a pending motion because the act of ruling is ministerial in nature.")

The judge also has a ministerial duty to determine whether or not an indigent PCR applicant will be granted counsel. Rule 71.1(d), SCRCP. The Office of Attorney General's unclean hands had effectively hidden Petitioner's motions from the judge.

QUESTION

3. What statute, court rule, or other authority does South Carolina's circuit court, circuit judges, and clerks of court rely upon that provides that the ministerial duties of making the determination as to whether or not an indigent PCR applicant shall be appointed counsel or not, the scheduling of motions, placing motions on the motion docket and calendar; are to be handed over to the Office of the Attorney General's Office?

ARGUMENT

The clerk of court has a ministerial duty to place all filed motions on the motions calendar, file book, and motions docket. See S.C. Clerk of Court Manual. See also Rule 79(e), SCRCP stating, "In addition to the file book, each clerk of court **shall maintain a motion calendar** in such form as prescribed by the Office of South Carolina Court Administration. **The clerk of court shall place on the motion calendar all pending motions and other matters requiring a summary hearing before the judge.**"

See also, Barnes v State, 433 SC 399, 859 SE2d 260 (2021) (The South Carolina Supreme Court taking "th[e] opportunity to remind the clerks of court of their ministerial duty to docket filings.") This duty is not discretionary. See 21 C.J.S. Courts §335 (2021). *Id*

The judge's act of ruling on filed motions is a ministerial duty. See City of Rock Hill v Thompson, 349 SC 197, 563 SE2d 101 (2002) ("[T]he Court could direct a judge to rule on a pending motion because the act of ruling is ministerial in nature.")

This Court should in-fact treat Petitioner's motions as they have been granted due to the Office of Attorney General and PCR court's dilatory actions. McDaniel v United States, 2:15-234-RMG (D.S.C. 2022) (The United States District Court, acting out of an abundance of fairness, treated motion which the court failed to rule on a "granted."); State v McDaniel, 320 SC 33, 462 SE2d 882 (1995) ("So long as the judge had an opportunity to rule on an issue, [] it is not 'incumbent upon... counsel to harass the judge by parading the issue before him again.") (citing Dunn v Coca-Cola Bottling Co., 311 SC 43 ,46, 426 SE2d 756, 758 (1993)

Determination As To Appointment of Counsel

The allowance of the Office of the Attorney General, by its very nature, to allow this office as the adversary / respondent in the PCR case to determine whether or not the Petitioner (PCR applicants) will be appointed counsel or not is shocking to the conscience as it is clearly a violation of separation of powers and due process rights as guaranteed by the State Constitution and United States Constitution.

Rule 71.1(d), SCRCP provides as follows:

> If, after the State has filed its return, the application presents questions of law or fact which will require a hearing, the court shall promptly appoint counsel to assist the applicant if he is indigent.

Rule 71.1(d), SCRCP

As Rule 71.1(d), SCRCP, states that if the application presents questions of law or fact the court shall appoint counsel to assist the applicant; this ultimately means that the Office of Attorney General is exercising in a judicial capacity as it looks and is the ultimate determiner as to whether or not questions of law or fact exist. The Office of Attorney General cannot make the determination as to whether or not the PCR applicant shall have counsel appointed unless it first makes the determination that no questions of law or fact exist. The Office of Attorney General as a member of the executive branch, should not be acting in a judicial capacity. Rather this is a ministerial duty of the judge. Importantly it should be noted that once the Office of Attorney General makes this determination, the Common Pleas judge doesn't take a second look. (See Appx. I, pgs. 400-402) Rather, the judge inherently trusts the Office of Attorney General, and thus simply blindly signs any pleading brought before the court by the Office of the Attorney General; thus blindly giving effect to the will of the Office of the Attorney General. The Office of the Attorney, in this regard, functions as the adjudicator in the case. See also See State v Langford, 400 SC 421, 735 SE2d 471 (2012) (explaining that such allowance is unquestionably a violation of separation of powers.)

Importantly it should be noted that it is this determination that also determines whether or not the adversary's / respondent's motion for summary judgment and / or motion to dismiss will stand. Further, notice also the Common Pleas judge's practice of accepting proposed orders from the Office of Attorney General then placing the original signed orders in the hands of the Office of Attorney General for the Office of Attorney General to deliver the original signed order to the clerk of court's office for filing and entering. (Appx. pgs. 103, 114, 444) The judge should not place an "original" signed order into the hands of the Office of the Attorney General, and then allow the Attorney General (being the Respondent / Adversary party) to assume the role of providing this original signed order to the clerk of court for filing and entering. (See Appx. Pgs 276, 443, 103, 114, 444) (See also Applicant's Exhibit P, reflecting the same.) (Appx. I, pg. 275) This is a direct violation of Rule 71.1(f), SCRCP, and Rule 77(d), SCRCP as the judge rather is to provide the original signed orders to the clerk of court who is then supposed to file, enter, and provide copies of the signed orders to the parties in the case.

Rule 71.1(f), SCRCP, states as follows:

> (f) Filing and Service of Order. The post-conviction relief judge shall submit the signed order or judgment to the clerk for filing and the clerk of court shall provide notice of entry of judgment and serve a copy of the order or judgment to the parties as provided in Rule 77(d), SCRCP.

Rule 77(d), SCRCP, states as follows in relevant portion:

> (d) Notice of Orders or Judgments. Immediately upon the entry of an order or judgment the clerk shall serve a notice of the entry by first class mail

> upon every party affected thereby who is not in default for failure to appear, and shall make a note in the case file or docket sheet of the mailing.
>
> [Also,] "In addition to the above, in post-conviction relief actions, the post-conviction relief judge shall submit the signed order or judgment to the clerk of court for filing and the clerk shall promptly provide notice of the entry of judgment and serve a copy of the signed order to the parties."

Rule 77(d), SCRCP

It is surely unreasonably to infer that the Office of Attorney General would make a motion to dismiss and / or a motion for summary judgment seeking to dismiss a PCR applicant's case; and then with the same sword determine that questions of law and fact exists. See Harleysville Grp. Ins. V Heritage Cmtys., Inc, 420 SC 321, 356-57, 803 SE2d 288, 308 (2017) ("[A] party may not use the same argument as both a shield and a sword.")

No provision, law, statute, nor other authority should allow the Common Pleas Judges and clerks of courts in this state to hand over their ministerial duties to the Office of the Attorney General. The judicial and executive branches should not mix nor exercise in the same capacity.

Abuse of Discretion Standard of Review as to the Determination Not to Appoint

Although Petitioner has found no case law in South Carolina which specifies that the determination as to the appointment of counsel to indigent PCR applicants is reviewed under an abuse of discretion standard; Petitioner does think however that this Court would find that this standard would be the proper standard of review.

Ellis v Davidson, 358 SC 509, 595 SE2d 817 (2004) ("For purposes of abuse of discretion standard of appellate review, an abuse of discretion occurs when there is an error of law or a factual conclusion that is without evidentiary support.") However, looking to other states to see how such a matter would be handled by its courts, Petitioner has found that other courts in-fact review such under an abuse of discretion standard. E.g. Gipson v State, 967 N.W.2d 370 (2021) ("[The Court of Appeals of Iowa] review[s] the PCR court's determination whether to appoint counsel for an abuse of discretion"); Green v State, 242 So.3d 176 (2017) (Court of Appeals of Mississippi applying an abuse of discretion standard as to the denial of appointment of PCR counsel);

As the judge failed to notice that he had discretion as to whether counsel would be appointed to Petitioner he did commit and error of law as his discretion was not used and therefore abused. Richardson on Behalf of 15th Circuit Drug Enforcement Unit v Twenty-One Thousand and no/100 Dollars ($21,000.00) U.S. Currency and Various Jewelry, 430 SC 594, 846 SE2d 14 (2020) ("A court that does not use discretion or recognize it has discretion when discretion exists commits an error of law."); Patton v Miller, 420 SC 471, 490, 804 SE2d 252, 262 (2017) ("[A] court's failure to exercise its discretion [] is itself an abuse of discretion.")

The record in this case does not reveal anywhere that the judge recognized that he had discretion nor does the record reveal that the judge exercised in his discretion. This would have been possible if the judge would have simply ruled on the motion to appoint counsel and provided reasons for not appointing. However, as the Office of Attorney General had determined that Petitioner would not be appointed counsel, the judge did not look over this by way of an independent review, rather he exercised in erroneous thinking that the Office of Attorney General's decision was the final decision in this matter and that he as the judge had no power to over-rule the Office of Attorney General's wishes in this regard.

QUESTION

4. Should Former Chief Justice, Jean Hoefer Toal's Administrative Order, Supreme Court Order No. 2008-10-06-01, RE: 'Appointment of Counsel in Post-Conviction Relief Cases Before The Circuit Court', be rescinded, as this administrative order serves as the catalyst for much of the Common Pleas PCR court's violations of Separation of Powers and of Due Process; as the order appears to be what the Court's lean upon in violating the Constitutional Rights of South Carolina's PCR applicants?

ARGUMENT

The answer to this question should be an emphatic YES! This administrative order serves as the catalyst for much of the courts' and Office of Attorney General's violations of separation of powers and due process as this order appears to be the common document which the courts lean upon in blatantly disregarding and violating the separation of powers doctrine and Constitutional rights of Petitioner and PCR applicants in general.

It doesn't take much to realize that this administrative order, as the catalyst, immediately began to prejudice PCR applicants as through this order, total control of the PCR docket and all matters which relate to the PCR were handed over to the Office of the Attorney General.

Through performing research and examining South Carolina case law, it is clearly revealed that no PCR applications which have been challenged by the Office of Attorney General as being successive or barred by the statute of limitations have been granted hearings. Again, this is because the judges seem to decline to take a second look but rather allows the Office of Attorney General to function in a judicial capacity as an adjudicator. (Appx. I, pgs. 400-402)

Petitioner would point out, as he has thoroughly explained in his Explanation, there are in-fact two (2) hearings which should be available to PCR applicants. (1) Procedural Questions Hearings, and (2) Merits Hearings.

A procedural questions hearing is not a hearing on the merits in an applicant's PCR application. Rather, this hearing is a one in which would determine whether or not the statute of limitations or successiveness, or other procedural defense the adversary / respondent makes should bar the PCR applicant. See McCoy v State, 401 SC 363, 737 SE2d 623 (2013); Gamble v State, 298 SC 176, 379 SE2d 118 (1989); and Coats v State, 352 SC 500, 575 SE2d 557 (2003).

The reason why these hearings are not being conducted is because the Office of the Attorney General is making the ultimate determination that no genuine issues of material fact exists. The Office of Attorney General accomplishes this by not acknowledging exhibits, motions, nor the facts which PCR applicants raise in the PCR application and memorandums. See State v Tessnear, 257 SC 290, 185 SE2d 611 (1971) (South Carolina Supreme Court explaining, "A determination of whether the motions... should have been granted requires a review of the material facts upon which the lower court acted. Since the pertinent facts are not included in the record, we cannot consider these questions.")

In re Treatment & Care of Luckabaugh, 351 SC 122, 568 SE2d 338 (2002) is also instructive as to the importance that rulings be made on filed motions.

The Office of Attorney General / adversary, does not refute the facts so that it can be said that a dispute with regard to facts exists. They are simply ignored along with any exhibits which are provided for the record as scintilla evidence and more than scintilla of evidence to support the applicant's claims and to defeat the summary judgment motion.

A hearing on the merits is a hearing with regard to the claims for relief the PCR applicant raises in his PCR application. See Roger v State, 261 SC 288, 199 SE2d 761 (1973); Chambers v State, 262 SC 202, 203 SE2d 426 (1974); Coardes v State, 262 SC 493, 206 SE2d 264 (1974); Delaney v State, 269 SC 555, 238 SE2d 679 (1977).

The actions of the court and Office of the Attorney General, in concert, does in-fact block Petitioner's access to the court and to justice in this case. Petitioner does understand that South Carolina's circuit courts have struggled with the need for the separation of powers doctrine and Due Process violations in this regard.

See State v Langford, 400 SC 421, 735 SE2d 471 (2012) (explaining that such allowance is unquestionably a violation of separation of powers.)

The Office of the Attorney General and the court seems to candidly violate the separation of powers doctrine and the Constitutional rights to due process, as they are aware that (1) it would be difficult for a pro se prisoner to explain what has been done, and (2) in a pro se litigant's attempt to raise such issues and argue the cumulative violations and affects of such, there exists a chance that the Appellate Courts would consider the pleadings too lengthy and ultimately think of the

wronged indigent pro se prisoner as simply one in which the court owes "no duty of consultation", and therefore simply decide to not hear the case.

Gary v State, 347 Sc 627, 557 SE2d 662 (2001) ("In the interest of fairness, counsel should be appointed to an indigent postconviction relief applicant when the state moves for dismissal on limitations grounds and the applicant raises an issue of material fact regarding the applicability of the statute of limitations.") Notice also in *Gary*, ("Remand of postconviction relief case was required for the appointment of counsel and an evidentiary hearing regarding indigent applicant's claim that the statute of limitations should be equitably tolled on ground that he simply filed in the wrong venue") Id.

Notice the issue in *Gary* would not be an issue that would be considered today as an issue of material fact or an issue of genuine material fact or law. The Supreme Court in Gary deemed this issue as one of material fact at that time because there was no South Carolina case existing wherein this question had been decided.

The facts and questions which Petitioner's case has presented are novel and does present issues of material fact and are of genuine material fact and law. The questions, facts, and issues surrounding the case at bar are of first impression and the PCR court has erred in failing to grant a hearing whereby the issues of this case would be fully adjudicated and decided upon, a full record developed as to the questions and proceedings, and future guidance be provided in the interest of certainty and judicial equity.

Petitioner has attempted to obtain declaratory and mandamus relief in these matters by seeking that the South Carolina Supreme Court would here and adjudicate upon these matters in the court's original jurisdiction, however, the court declined to do so. Those whom Petitioner claim against are judicial officers and are officers of the very same court in which Petitioner would have had to file an action for declaratory and mandamus relief; the officers of that court would be both parties of the case, the officer to file docket and file the action that is actually against them and also adjudicate on the very action that is against them as they are in-fact the heads and engines of the county circuit court.

This matter is in public interest as the practices which result from Former Chief Justice Jean Hoefer Toal's administrative order affects not only the Petitioner in this case, but many indigent PCR applicants as well. Thus, this court should make determinations which would protect the Constitutional rights of Petitioner in this case and which would also serve as future guidance in these regards.

South Carolina's PCR process has become nothing more than 'a sacrifice of unarmed prisoners to gladiators'. *See* U.S. v Ragin, 820 F3d 609 (4th Cir. 2016) ("While a criminal trial is not a game in which the participants are expected to enter the ring with a near match in skills, neither is it a sacrifice of unarmed prisoners to

gladiators."); Bauer v Summey, 568 F.Supp.3d 573 (2021) ("Conduct that shocks the judicial conscience in violation of substantive due process is deliberate government action that is arbitrary and unrestrained by established principles of private right and distributive justice")

See Heckler v Edwards, 465 US 870, 104 Sct 1532 (1984), quoting 81 Cong. Rec. 3268 (1937) (remarks of Rep. Michener) ("If," "when," and "[w]here the constitutionality [of Acts of the Legislature] is questioned, more than the rights of individual litigants in the suit are involved. The rights of all the people who might be affected by the laws are involved...") id., at 3265 (remarks of then Rep. Fred M. Vinson) (When the constitutionality of an Act of [the Legislature] has been drawn into question, that question "affects not only the litigants in the particular case, but it affects many others. It out to be decided right in the public interest.")

CONCLUSION

Petitioner seeks that this Court would make a ruling in this case as this case is certainly novel and complex and does present questions of law and of fact which are first impression issues. Petitioner prays that his pleadings are construed liberally and that such parts which may be construed interchangeably as either mandamus, declaratory, or post conviction relief matters – that this Court would simply rule in a way that adjudicates upon all issues in this case. Above all this is a post-conviction relief case and most important is that the issues herein and thereof this case are adjudicated and ruled upon.

Respectfully submitted,

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

This 9th day of September, 2022.

RECEIVED
SEP 13 2022
S.C. SUPREME COURT

488

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

CASE NO. 2024-CP-40-01737

Alonzo C. Jeter, III,

Plaintiff,

vs

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 Hoefer Toal; Donald D. Beatty,

Defendants.

PLAINTIFF'S EXHIBIT
Q

AMENDED SUPPLEMENTAL EXPLANTION II

The Amended Supplemental Explanation II

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	**PLAINTIFF'S EXHIBIT** **A** **ONE SINGLE PRIOR CONVICTION PROOF**

Proof From The South Carolina Department Of Corrections (SCDC) Office Of Inmate Classifications; Affidavit And Request To Staff Member (RTSM), Which Reflects The Existence Of Only One Single Prior Conviction On Applicant's Records Within The SCDC

Appendix II - Pgs 519, 529-530, 670

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	**PLAINTIFF'S EXHIBIT** **B** **CONFIRMATION THAT FORMER CHIEF JUSTICE JEAN H TOAL'S ADMINISTRATIVE ORDER REMAINS ACTIVE**

South Carolina Supreme Court Providing Confirmation That Former Chief Justice Jean Hoefer Toal's Memorandum Order Remains Active

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	**PLAINTIFF'S EXHIBIT** **C** **EXPARTE ACTIONS**

Exparte Activities: Adversary Engages With The Judge In Exparte presentment And Signatures Upon proposed verbatim Orders; And The Handing Of The Original Signed Orders To The Adversary Rather Than To The Clerk Of Court

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Alonzo C. Jeter, III,

Plaintiff,

vs

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 Hoefer Toal; Donald D. Beatty,
Defendants.

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

CASE NO. 2024-CP-40-01737

PLAINTIFF'S EXHIBIT

D

FRUSTRATION OF CLERK OF COURT WITH FORM 4

Cherokee County Clerk Of Court, Brandy W. McBee, Demonstrating Frustration And Attitude When Form 4 Order Is Requested; But Compare And See The Postmark Date And Form 4 Order Signature Date

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

CASE NO. 2024-CP-40-01737

Alonzo C. Jeter, III,

Plaintiff,

vs

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 Hoefer Toal; Donald D. Beatty,

Defendants.

PLAINTIFF'S EXHIBIT

E

INQUIRIES TO CLERKS OF COURTS REGARDING MINISTERIAL DUTIES

Inquiries To Cherokee County Clerk Of Court And Other County Clerk Of Courts' Offices - Seeking To Be Informed Of Who Schedules The Hearing And Adjudication Of Any And All Filed Motions; And Also To Be Informed Of Who Makes The Determination Regarding Whether Or Not A Indigent PCR Applicant Receives Appointment Of Counsel

Appendix I - Pgs 210-211, 213-214, 216-217, 219, 280, 328-332, 355-356, 360-366, 374-377, 400-405, 413-422

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

CASE NO. 2024-CP-40-01737

Alonzo C. Jeter, III,

Plaintiff,

vs

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 Hoefer Toal; Donald D. Beatty,

Defendants.

PLAINTIFF'S EXHIBIT

F

JUDGES DO NOT REVIEW OAG DETERMINATIONS REGARDING APPOINTMENT OF COUNSEL

Clerk Of Court's Explanation That The Chief Administrative Judges Does Not Review The Attorney General's Determination Regarding Whether Or Not Counsel Is To Be Appointed Or Not. Clerk Of Court's Explanation That When Any Motion Is Filed By A PCR Applicant, The Motion Is Forwarded To The Adversary Party For Its Handling Of The Motions, Rather Than Placed On The Motion Calendar And Docket For The Judge's Hearing And Adjudication Thereof.

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	**PLAINTIFF'S EXHIBIT** **G** **APPLICANT'S UNHEARD AND UNADJUDICATED MOTIONS**

Applicant's Unanswered, Unheard, And Unadjudicated Motions

Appendix I - Pgs 51-60, 72-73, 78-80, 184-190, 312-313, 347-354, 384-385, 430-431, 459-464, 487-488

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**PLAINTIFF'S EXHIBIT** **H** **NO ACCESS TO LAW LIBRARY FOR EIGHT (8) MONTHS**

No Access To The Law Library For 8 Months

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	**PLAINTIFF'S EXHIBIT** **I**
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 Hoefer Toal; Donald D. Beatty, Defendants.	**ATTEMPT TO CONFUSE APPLICANT REGARDING APPOINTMENT OF COUNSEL**

Cherokee County Clerk Of Court, Together With The Adversary Party Makes An Attempt To Confuse Applicant And The PCR Court Record As To The Appointment Of Counsel

Appendix II - Pgs 537, 540

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	**PLAINTIFF'S EXHIBIT** **J** **U.S. DIST. JUDGE FINDING OAG ACTIONS BIZARRE**

US District Judge Finds The Adversary's/State's Gamesmanship Bizarre; Adversary's/State's Continuous Failure And Refusal To Provide The State Court Record In The Case

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **K**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**U.S. DIST. JUDGE RECOMMENDS STAY DUE TO UNHEARD GROUND AND MOTIONS**

US District Judge Recommends To Stay Case Due To The Adversary's/State's Failure And Refusal To Allow Scheduling And Ruling On Applicant's Motions And Grounds For Post-Conviction Relief

Supplemental Appendix II - Pgs 685-702

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III,	)	
Plaintiff,	)	**PLAINTIFF'S EXHIBIT**
vs	)	**L**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**PROOF MOTIONS ARE FORWARDED TO THE ADVERSARY**

Proof Motions Are Forwarded To The Adversary Party/Attorney General For Determinations, Scheduling, And Ability To Block Applicant's Pleadings From Receiving Hearing And Adjudication

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **M**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**ALL FILED RULE 59(E), SCRCP MOTIONS IN PCR ACTION**

Filed Rule 59(E), SCRCP, Motions (3 Motions)

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **N**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**UNFAIR SURPRISE HEARING CONDUCTED TO PREVENT DISCOVERY FROM BEING ENTERED INTO RECORD**

Unfair Surprise Hearing

Appendix II - Pgs 502, 505, 516-518, 560-562, 612-613, 615-617, 506-507

Next Day Discovery Due To Be Provided To The Applicant – Therefore, Adversary Schedules An Unfair Surprise Hearing To Be Held Prior To Applicants Acquisition Of Discovery Proof

Appendix II - Pgs 490, 492-493, 499-501, 509-511, 505

PCR Scheduled So As To Stop Discovery And Prevent Discovery From Entering The Record

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**PLAINTIFF'S EXHIBIT** **R** **APPLICANT'S ATTEMPT TO PROVIDE CLERK CD/DVD DEPOSITION OF THE SCDC FOR FILING AND EXHIBIT PROOF FOR THE RECORD**

Attempt to provide clerk of court A CD/DVD which contains audio deposition of the Office of South Carolina Department of Corrections' Inmate Classifications Department regarding Plaintiff's prior criminal commitments to the SCDC and records. Plaintiff was denied opportunity to present this proof due to denial of hearings on procedural questions or merits.

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
W-5
502 Beckman Drive
Columbia, South Carolina 29203

July 25, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
P.O Box 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

SCDC
JUL 25 2022
MAIL ROOM

RE: Alonzo C. Jeter, III, v State; Case No. 2019-CP-11-0457

Dear Honorable McBee:

I Write asking that you please issue a signed subpoena for deposition. Specifically, I would like that Mr. Andrew Dennis be deposed regarding 2 Audio CDs which were provided to me in response to my subpoena for documents and things of May 15, 2022.

I would like that both Mr. Andrew Dennis and Mr. Valerie Whitaker be deposed regarding the report of my current and prior commitments to the SCDC and also to Mrs Whitaker's written statement of my prior commitments dated April 19, 2022, and filed with this Court as Exhibit III on April 25, 2022.

I am seeking written depositions. I am unsure of how this may be managed being that I am a prisoner who is self-represented, and confined at the facility where these persons are employed and serve as my classification case managers. I would need an impartial neutral reporter, notary, and person to assist in deposition.

The deposition and my request should be issued to:

Office of General Counsel
South Carolina Department of Corrections
4444 Broad River Road
PO Box 21787
Columbia, South Carolina 29221-1787

In addition to the deposition, I ask that you also please issue a subpoena for documents and things on the South Carolina Department of Corrections.

Specifically, I am asking that the South Carolina Department of Corrections produce tangible copies of the following:

1). ARTSM No. 22-02668862, dated June 28, 2022

2) ARTSM No. 22-02667329, dated June 14, 2022

These are Automated Request To Staff Member messages. Please issue this to the same address as above.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Peter, III

*Please Return to me a file-stamped copy of this subpoena request along with your response.

cc: Chelsey F. Marto, AAG

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June 27, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
W-5/53B
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable Brandy W. McBee
Clerk, ~~Cherokee~~ Cherokee County
Post Office Box 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 11:04
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable Clerk:

Enclosed for filing, please find the ① South Carolina Department of Corrections' Supplemental Production Responsive To Subpoena, ② Motion For Judicial Notice of Supplemental Production Responsive To Subpoena, ③ Correspondence dated June 27, 2022 to Chelsey F. Marto, AAG, ④ Affidavit of Applicant, ⑤ Two (2) Audio Compact Discs (CDs), ⑥ Certificate of Service regarding the same.

Enclosed please also an additional copy of the same along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents ~~by enclosure~~ by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

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STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alenzo C. Jeter, III,
APPLICANT,

v

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT
Case No. 2019-CP-11-0457

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 11:
BRANDY W. MCBEE

I, Alenzo C. Jeter, III, hereby certify that I have served the South Carolina Department of Corrections' Supplemental Production Responsive To Subpoena; Motion for Judicial Notice of Supplemental Production Responsive To Subpoena; Correspondence dated June 27, 2022 to Chelsey F. Marto, AAG (informing of two (2) Audio CDs and Applicant's inability to duplicate CDs); and Affidavit of Applicant on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Manning Correctional Institution's mail room personnel on this 27th day of June, 2022, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, AAG, Office of the Attorney General, PO Box 11549, Columbia South Carolina 29211-1549; The Honorable Brandy W. McBee, Clerk, Cherokee County Court, PO Box 2289, 125 E. Floyd Baker Blvd., Gaffney South Carolina 29342.

SWORN and Subscribed before me
this 27th day of June, 2022
Eunice Denise Clark
Notary Public for South Carolina
My Commission Expires: 2/5/31

s/
Alenzo C. Jeter, III
APPLICANT/pro se

EUNICE DENISE CLARK
Notary Public, State of South Carolina
My Commission Expires 2/5/2031

508

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Jeter, III, APPLICANT, V State of South Carolina, RESPONDENT.	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457 AFFIDAVIT OF APPLICANT

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 10:05
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have placed (two) Audio Compact Discs (CDs), which contain the Audio Deposition of Applicant's Classification Review Hearings which were held on December 9, 2021; October 18, 2018; and September 10, 2015. (This Audio is in MP3 file-format and 3,181 Kb, 1,720 Kb, and 2,815 Kb file sizes respectively), in the hands of Manning Correctional Institution personnel on this 27th day of June, 2022, for mailing, via the United States Mail, addressed as follows: The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Box 2289, 125 E. Floyd Baker Blvd., Gaffney South Carolina 29342.

SWORN and Subscribed before me
this 27th day of June, 2022
Eunice Denise Clark
Notary Public for South Carolina
My Commission Expires: 2/5/31

s/
Alonzo C. Jeter, III
APPLICANT / pro se

EUNICE DENISE CLARK
Notary Public, State of South Carolina
My Commission Expires 2/5/2031

509

June 22, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
W-5/53B
502 Beckman Drive
Columbia, South Carolina 29203

Chelsey F. Masto, AAG
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 11:05
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v. State of South Carolina
PCR Case 2019-CP-11-0457

Dear Ms. Masto:

I write to inform you that I have included within the supplemental production of documents and things which were responsive to the subpoena for the same from the South Carolina Department of Corrections:

2 Audio Compact Discs (CDs) which contain three (3) MP3 Audio files which are of classification review hearings held on December 9, 2021; October 18, 2018, and September 10, 2015.

I was unable to provide you a copy of these Audio CDs due to my inability to obtain copies of the same. These CDs have been submitted to the Cherokee County Court.

Regards,

Alonzo C. Jeter, III

510

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457
Alonzo C. Jeter, III, APPLICANT, v State of South Carolina, RESPONDENT.	MOTION FOR JUDICIAL NOTICE OF SUPPLEMENTAL PRODUCTION RESPONSIVE TO SUBPOENA

Applicant, Alonzo C. Jeter, III, hereby respectfully motions this Court that it would take Judicial Notice and accept for the record in this case, the Supplemental production of documents and things which are responsive to Applicant's subpoena for the same.

Specifically, Applicant has received, on June 24, 2022, the supplemental production of the documents and things from the South Carolina Department of Corrections which is responsive to a subpoena for the same.

Applicant asks that this Court would take Judicial Notice of the same, accept the same for the record, and would consider the same in providing an equitable adjudication regarding this case.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se

This 27th day of June, 2022.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 11:05
BRANDY W. MCBEE

511

~~478~~

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C Jeter, III,
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT
Case No. 2019-CP-11-0457

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS' SUPPLEMENTAL PRODUCTION RESPONSIVE TO SUBPOENA (29 Pages and 135 Page of SCDC Policies) AND (2) TWO AUDIO COMPACT DISCS (CDs)

Applicant, Alonzo C Jeter, III, hereby submits the Supplemental production responsive to Applicant's subpoena request of the South Carolina Department of Corrections.

Applicant received the following supplemented responsive material on June 24, 2022, at Manning Correctional Institution.

1) 29 Pages of Classification reports
2) 56 Page SCDC Policy, "Inmate Records Plan," policy OP-21.09
3) 79 Page SCDC Policy, "Inmate Classification Plan," policy OP-21.04
4) Audio Compact Disc containing three (3) MP3 audio files of: ① Classification Review date December 9, 2021 at Manning Corr. Inst.
② Classification Review date October 18, 2018 at Tyger River Corr. Inst.
③ Classification Review date September 10, 2015 at Perry Corr. Inst.
(MP3 file sizes 3,181 Kb; 1,720 Kb, and 2,815 Kb respectively)
5) Audio Compact Disc containing Classification Review date December 9, 2021, at Manning Correctional Inst. (duplicate of above.

Respectfully submitted,

Alonzo C Jeter, III

This 27th day of June, 2022

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 JUN 30 A 11:05
BRANDY W. HOBBEE

5/2

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE

TO:	Inmate Alonzo C. Jeter, III
SCDC #:	282902
INSTITUTION:	Manning CI – Dorm #: W5-0053-B
FROM:	Jonathan R. Eckstrom
DATE:	June 23, 2022
RE:	Inmate Correspondence received June 3, 2022, Kiosk Request 22-2635174 & 22-02657027

Mr. Jeter,

I am in receipt of your above referenced messages concerning your March 18, 2022 and May 3, 2022 subpoenas.

Please find enclosed the Tyger River supplemental documentation for items 2, 3, 4 and 7 from your May 3, 2022 subpoena (GC191-CG197). As to the Perry documentation for items 2, 3, 4 and 7 from your May 3, 2022 Subpoena, those documents were destroyed pursuant to the record retention policy.

Please also find enclosed the classification documents you requested in your May 3, 2022 subpoena (GC001-GC020). I was informed that you are able to keep the classification documents in your possession. However, you cannot have the policies (GC021-GC157) or the CDs in your possession. You are unable to keep the policies in your possession pursuant to SCDC Policy GA-01.01 subsection 4.

I have asked Ms. Staley to allow you the opportunity to review the policies. If you need copies of the policies for court filings, please let Ms. Staley know. Ms. Staley will send the policies to the mailroom with instructions to have copies made and held until you are ready to mail them out. I have prepared two CDs containing the audio recordings you requested in your March 18th and May 3rd subpoenas. I sent the two CDs directly to Ms. Staley via interdepartmental mail. Ms. Staley will place the CDs and policies wherever Manning CI stores restricted legal material. When you are ready to mail the CDs, please let Ms. Staley know so she can send the CDs to the mailroom where they will be held until you are ready to mail them out. You can request photocopies of the documents in your possession via the normal procedure.

Should you have any questions, please contact me.

S/ Jonathan R. Eckstrom
Jonathan R. Eckstrom
Office of General Counsel

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The Supreme Court of South Carolina

Alonzo C. Jeter, III, Petitioner,

v.

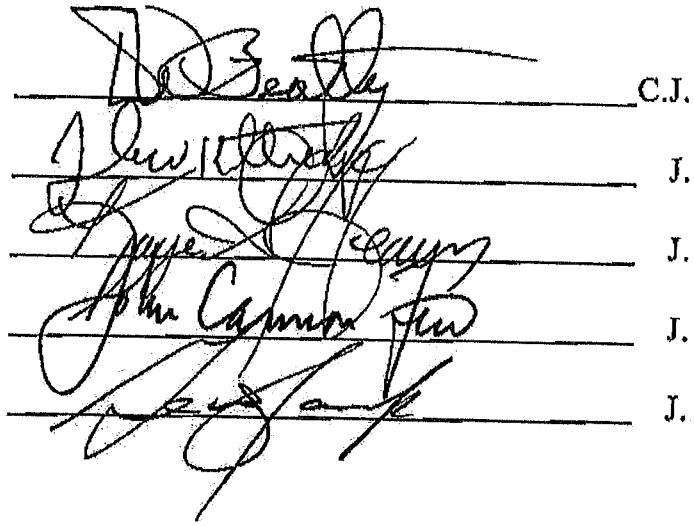
State of South Carolina, Respondent.

Appellate Case No. 2022-000750

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 OCT 28 AM 11:36
BRANDY W. MCBEE

ORDER

By order dated September 14, 2022, this Court dismissed the present matter on the ground that Petitioner failed to show there was an arguable basis for asserting that the determination by the lower court was improper pursuant to Rule 243(c), SCACR. Petitioner has now filed a petition for rehearing of that decision. Petitioner has also filed a motion to strike his original explanation filed pursuant to Rule 243(c), SCACR, and file a supplemental explanation. 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. Therefore, there is no basis for granting a rehearing. *See* Rule 221(a), SCACR (providing a petition for rehearing must state with particularity the points supposed to have been overlooked or misapprehended by the Court). Accordingly, the petition for rehearing is denied. The motion to strike is denied as moot.



C.J.

J.

J.

J.

J.

Columbia, South Carolina
October 24, 2022

cc:
Chelsey Faith Marto, Esquire
Alonzo C. Jeter, III, 282902

2008-10-06-01

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The Supreme Court of South Carolina

RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court

ADMINISTRATIVE ORDER

In post-conviction relief (PCR) cases, the appointment of counsel is appropriate only when a hearing must be held. Rule 71.1, SCRCP ("If, after the State has filed its return, the application presents questions of law or fact which will require a hearing, the court shall promptly appoint counsel to assist the applicant if he is indigent."); Richardson v. State, 377 S.C. 103, 659 S.E.2d 493 (2008). I find that in many cases counsel are being appointed when the above standard has not been satisfied.

Further, in a significant number of these cases, the application is ultimately denied as being successive or as being barred by the statute of limitations. The appointment of counsel in such cases places an unnecessary burden on the appointed counsel, and violates the mandate of Rule 608(g), SCACR, that appointments should be minimized. To help address this problem, I find it appropriate to direct the following:

Consistent with Rule 71.1, SCRCP, counsel will not be appointed until the Post-Conviction Relief Section of the Attorney General's Office files its return to the application. In its return, the Attorney General's Office shall clearly state in the caption heading whether it requests that counsel be appointed for the applicant.

If the Attorney General requests the appointment of counsel, counsel shall be appointed for the applicant unless a circuit court judge determines that it is inappropriate to do so. The authority to make the appointments in these cases may be delegated to the Clerk of Court or some other official.

If the Attorney General opposes the appointment of counsel for an indigent applicant, counsel will only be appointed as follows:

(1)If the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations,[1] counsel will not be appointed except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit. In these cases, the Chief Judge will insure that counsel is only appointed for an indigent applicant when the facts raise a material issue regarding the applicability of the rule forbidding successive applications or the statute of limitations.Cf. Gary v. State, 347 S.C. 627, 557 S.E.2d 662 (2001) (statute of limitations).

(2)In all other cases in which the State opposes the appointment of counsel, counsel will only be appointed upon written order of a circuit court judge under the standard contained in Rule 71.1, SCRCP.

IT IS SO ORDERED.

s/Jean H. Toal
JEAN H. TOAL
CHIEF JUSTICE

Columbia, South Carolina
October 6, 2008

[1] S.C. Code Ann. § 17-27-45 (2003).

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The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

October 26, 2022

The Honorable Brandy W. McBee
PO Drawer 2289
Gaffney, SC 29342-2289

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 OCT 28 AM 11:36
BRANDY W. MCBEE

REMITTITUR

Re: Alonzo Jeter v. State
Lower Court Case No. 2019CP1100457
Appellate Case No. 2022-000750

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Brenda F. Shealy

CHIEF DEPUTY CLERK

cc: Chelsey Faith Marto, Esquire
Alonzo C. Jeter, III, 282902

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STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS FOR THE SEVENTH JUDICIAL CIRCUIT
Alonzo Jeter, #282902, Applicant, v. State of South Carolina, Respondent.	Case No.: 2019-CP-11-0457 **FINAL ORDER OF DISMISSAL**

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2021 SEP -9 AM 10:34
BRANDY W. MCBEE

This matter comes before the Court pursuant to a post-conviction relief application filed by Applicant Alonzo Jeter on June 19, 2019. Respondent moved to summarily dismiss the application on December 2, 2020, for untimeliness, successiveness, as barred by the doctrine of *res judicata*, and for failure to establish a *prima facie* case of newly discovered evidence.

Pursuant to this request, and after reviewing the attached pleadings pertinent to this matter, this Court issued a conditional order of dismissal dated December 7, 2020, provisionally summarily dismissing the application, but affording the applicant twenty days from service of the conditional order to provide sufficient reasons as to why this order should not be finalized. Applicant was personally served with this conditional order of dismissal on December 23, 2020, as evidenced by the attached affidavit of personal service.

Applicant has filed many responses after the issuance of the conditional order. On December 18, 2020, Applicant filed a letter requesting correspondence between the Attorney General's Office and the South Carolina Department of Corrections dated June 26, 2019 and its incorporated records dated July 10, 2019. The clerk of court for common pleas informed Applicant that they could not assist Applicant with this matter by written letter, filed December 18, 2020.

On December 21, 2020, Applicant submitted a letter requesting a ten day extension in

which to respond to the conditional order of dismissal and the return and motion to dismiss. Concordantly, Applicant submitted a like request though written letter sent directly to the Honorable J. Mark Hayes, II, then-Chief Administrative Judge for Common Pleas, on the same date. In this letter, he requested Judge Hayes review all filings and exhibits in the case, requested an extension to file the response objecting to the conditional order, and stated he did not think the conditional order adequately addressed the case.

Applicant filed the objection to the conditional order of dismissal on December 28, 2020. In this response, Applicant states he was denied of his right to reply to the conditional order of dismissal prior to the judge signing it. Applicant states the denial of the right to participate in writing the order and replying to the proposed order prior to signing it rendered the order ex parte communications. Applicant claims his responses, pieces of correspondence, and exhibits have been ignored because the conditional order was adopted by the court and because the Judge failed to address and adjudicate on the "issues of material fact." Applicant claims he is entitled to relief based upon newly discovered evidence that the State "unmerged" his 2004 convictions years after the fact. He claims this was discovered June 19, 2017 "as the issues in another PCR proceeding." He claims this application is not barred for untimeliness because of this newly discovered evidence. He claims this should not be barred for successiveness or by the doctrine of *res judicata* because, although Applicant raised the ineffective assistance of counsel claims in his last application, this application is not successive because the last application was summarily dismissed without ruling on the merits and because he was not afforded assistance of counsel. Applicant claims he is entitled to an evidentiary hearing because he has presented a case for why there is a genuine issue of material fact. Applicant also claims he is entitled to a hearing on both the procedural issues and on the merits.

Applicant also submitted a reply to Respondent's return and motion to dismiss on December 28, 2020. Applicant claims he is entitled to relief based upon newly discovered evidence based upon his discovery of the State's decision to "unmerge" his 2004 convictions. Applicant claims he discovered this while pursuing his 2016 PCR case. He also claims ineffective assistance of counsel because the "unmerging" occurred. Applicant claims this application is not successive or barred by the doctrine of *res judicata* because the last application was summarily dismissed instead of being adjudicated on the merits. Applicant claims the statute of limitations does not apply because his claim is newly discovered. Applicant claims the application should not be summarily dismissed because "genuine issues of material fact exist" and these issues require a hearing on the matter. Applicant also requested a motion hearing on the motion to dismiss.

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Applicant filed a document entitled "Applicant's Exhibit M" on January 22, 2021. In this document, Applicant submitted a copy of his SCDC records as well as a cover letter, dated June 26, 2019, from Respondent to SCDC requesting the records.

On March 29, 2021, Applicant filed a supplemental amendment to the PCR application. In this, he alleged due process violations for failure to afford him PCR Counsel after the State moved to summarily dismiss the application. He stated he was denied counsel when attempting to appeal the summary dismissal case. He stated he was denied a hearing to determine if there was a genuine issue of material fact concerning procedural issues, "affirmative defenses, or concerning the merits of the case. He stated he received ineffective assistance of plea counsel in 2004. He also entered another exhibit in the case consisting of a motion to appoint counsel and to compel in his habeas action.

Also on March 29, 2021, Applicant filed another supplemental response to the motion to

dismiss and conditional order. Here, Applicant states the State has not met its burden in burying his current claims behind his lengthy procedural history consisting of prior actions taken raising similar claims. He claims the prior application was erroneously dismissed. He claims he has a valid ineffective assistance of counsel claim now. He also requests counsel in this case, which he claims he is entitled to in summary dismissal actions. He also claims he was entitled to counsel on an appellate case following the summary dismissal of the circuit court action. He claims he is now entitled to relief based upon ineffective assistance of 2004 plea counsel.

This Court has reviewed all responses in full and finds none of them are sufficient enough to warrant an evidentiary hearing. Consequently, this Court finds this application must be summarily dismissed with prejudice.

Applicant has not adequately shown why he is entitled to relief based upon newly discovered evidence. Applicant claims he newly discovered the evidence during the course of his last PCR action, on or around June 19, 2017. This current application was filed June 19, 2019; a year after the statutory period in which to file an application regarding newly discovered evidence had expired. That the application remains untimely filed set aside, Applicant fails to show why he could not have discovered this through reasonable diligence while entering the plea, why he is entitled to a vacated plea pursuant to the interests of justice. Further, Applicant seemingly concedes he raised this issue in his last application, which was summarily dismissed. Claims raised in his previous PCR action are not properly considered newly discovered evidence. Accordingly, this Court finds the application shall remain dismissed for failure to establish a *prima facie* case of newly discovered evidence.

Additionally, this Court finds that the application is barred for untimeliness. Applicant pled guilty to all charges on October 12, 2004. Thus, his PCR application was due on October

15, 2005. The current application was not filed until June 19, 2019. Applicant has failed to sufficiently explain the fourteen year delay between the remittitur of his appeal and this pursuit of remedy through the PCR process. Thus, the Court shall dismiss the matter as barred by the statute of limitations. 541

Applicant had a full opportunity to litigate all his allegations in his prior actions. Indeed, Applicant's allegations are identical to those raised to and ruled upon by the Court in the previous action. Applicant's allegations are seemingly identical to those raised and ruled upon by the Court in his last PCR application. This has seemingly been conceded to by Applicant in his responses. That he now reframes the issue already raised as an ineffective assistance of counsel claim is of no consequence. The underlying issue remains the same as before and should be rejected by the court. The finality of the previous Court rulings should be respected, and the application shall be summarily dismissed as barred by the doctrine of *res judicata*.

Further, Applicant's application is barred on successiveness grounds. Applicant's current allegations were or could have been raised in earlier proceedings based upon Applicant's prior PCR applications and Applicant has not sufficiently proven why these issues could not have been raised earlier. Thus, the current application is successive and barred.

Before this Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965). Applicant has failed to make such a showing based on the information set forth in his responses, and, consequently, is not entitled to an evidentiary hearing. Thus, the Court reasserts its finding in the conditional order of dismissal that the current PCR application must be dismissed for untimeliness, successiveness, as barred by the doctrine of *res judicata*, and for failure to establish a *prima facie* case of newly discovered evidence. Accordingly, this Court finds no reason why

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the conditional order of dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons in this Court's conditional order of dismissal, the PCR application is hereby denied and dismissed with prejudice. This court hereby advises Applicant that he must file and serve a notice of appeal within thirty days of the service of this order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 30 day of August, 2021.

J. Derham Cole
Chief Administrative Judge
Seventh Judicial Circuit

_____, South Carolina

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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Cpl. Wall (*Server*) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
)
COUNTY OF Spartanburg)

AFFIDAVIT OF PERSONAL SERVICE

On this 23 day of December 2020, I served the Conditional Order of Dismissal, on *Inmate* Alonzo C. Jeter, #282902 *SCDC Inmate* ~~#282902~~ #282902 by delivering personally and leaving a copy of the same at Tyger *Correctional Institution.* Deponent is not a party to this action.

s/ Cpl. T. Wall

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 23 day of December 2020

Lee [illegible] (L.S.)

Notary Public for South Carolina

My Commission Expires: March 24, 2027

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal is admitted at the South Carolina Department of Corrections (Tyger River *Correctional Institution*), Enoree, Spartanburg County, SC this 23 day of December, 2020.

s/ [signature]
Inmate
SCDC *Inmate #:* 282902

2019-CP-11-0457

RECEIVED
DEC 23 2020
TYGER RIVER C.I.
WARDEN'S OFFICE

5/4

RECEIVED
DEC 29 2020
GENERAL COUNSEL

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
MEMORANDUM

TO: Warden Gadsden
Tyger River Correctional Institution

FROM: Jonathan Eckstrom/Elizabeth Powers
Office of General Counsel/Office of the Director

RE: **REQUEST FOR SERVICE OF LEGAL PLEADINGS**
Inmate Alonzo C. Jeter
SCDC Inmate Number 282902

DATE: December 23, 2020

Pursuant to the above referenced subject, please follow the below procedures for ***Service of Legal Pleadings*** on Inmate **Alonzo C. Jeter SCDC Inmate Number 282902.**

1. **Serve Papers (Conditional Order of Dismissal-Case No.: 2019-CP-11-0457) on Inmate Alonzo C. Jeter SCDC Inmate Number 282902**

2. **Complete the *AFFIDAVIT OF SERVICE* (sign/date/notarize) acknowledging that the Legal Pleading(s) were served on Inmate Alonzo C. Jeter SCDC Inmate Number 282902.**

3. **Please note that <u>if</u> the Inmate chooses 'not' to physically accept the Legal documents from you (Server), the Inmate is considered 'Served' once he/she has been properly identified.**

4. **Therefore, please proceed with service process by placing the Legal document(s) under the Inmate's cell door.**

5. **Please indicate on the ORIGINAL AFFIDAVIT OF SERVICE the following: *'Inmate refused to accept service'*.**

6. ***Make a <u>COPY</u>* of the AFFIDAVIT OF SERVICE for the Inmate for his/her record.**

7. ***Return* the *completed '<u>ORIGINAL</u>' AFFIDAVIT OF SERVICE <u>ONLY</u>* back to the Office of General Counsel (H.Q.).**

If you have any questions, please call Jonathan Eckstrom at 896-4513 or Elizabeth Powers at 896-9726.

ekp
Attachment(s)

WarrantsFORMFILE.doc

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE - PCR

CASE NO. 2019-CP-11-00457

Alonzo C. JETER, SCDCID #299199
Applicant,

The STATE of South Carolina,
Respondent.

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FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 APR 29 AM 11:07
BRANDY W. MCBEE

CHECK ONE:

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☒ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☒ Other -S.C.Code Ann. Sec. 17-27-70.

cc: Chelsey Faith Marto, Esquire
Alonzo C. Jeter, III, 282902

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

IT IS ORDERED AND ADJUDGED: ☐ See formal order to follow; ☒ Statement of Judgment by the Court:

This matter was before this Court for hearing on the applicant's Rule 59(e) motion to alter or amend a final order dismissing his application for post-conviction relief.

This matter began on an application for post-conviction relief filed pursuant to *South Carolina Code Annotated Section 17-27-20* by applicant on June 19, 2019. The respondent filed a return and a motion for summary dismissal pursuant to S. C. Code Ann. Section 17-27-70 on December 4, 2020. On December 14, 2020 a Conditional Order of Dismissal was filed which granted the applicant 20 days to show why the conditional order should not become final. The applicant filed his objections to the conditional order and response to the respondents return and motion to dismiss on December 28, 2020. A final order of dismissal was filed by the Court on September 9, 2021. The applicant filed a motion pursuant to Rule 59(e), SCRCP, to "alter or amend and for reconsideration" of the judgment entered by the Court on September 24, 2021 to which the respondent filed its response on October 18, 2021.

Applicant contends in his motion that the Court: (1) failed to address the scintilla of evidence standard; (2) denied the applicant fundamental rights to due process; (3) violated Rules 71.1(f) and 77(d), SCRCP; (4) violated separation of powers doctrine, the equal protection clause, and procedural and substantive due process; (5) failed to make findings of fact and conclusions of law; (6) failed to appoint counsel for the applicant; and (7) failed to grant the applicant an evidentiary hearing on the application.

Having considered the matter carefully, this Court finds that its Order complies with S. C. Code Ann. Section 17-27-70 and Rule 52(a), SCRCP, and finds there is no reason to alter or amend its previous ruling in this matter. To the extent that any further clarification is needed this Court finds that based upon the record of this case, memoranda, and submissions, there is no "genuine" issue as to material fact and the application should be dismissed as a matter of law.

The applicant's **MOTION** pursuant to Rule 59(e), SCRCP, should be and **IS** therefore **DENIED.**

Dated at Spartanburg, South Carolina, this 27th day of APRIL, 2022.

J. Derham Cole, Presiding Judge

This judgment was entered on the 29th day of April, 2022, and a copy mailed first class this 29th day of April, 2022 to attorneys of record or to parties (when appearing pro se) as follows:

ALONZO C. JETER
Manning Correctional Institution, W-6143B
502 Beckman Drive
Columbia, S. C. 29203

THE APPLICANT appearing PRO SE

CHELSEA F. MARTO, AAG
Post Office Box 11549
Columbia, South Carolina 29211-1549

ATTORNEY(S) FOR THE RESPONDENT

Brandy W. McBee

BRANDY W. MCBEE, CLERK OF COURT

SCRCP FORM 4 (Revised 5/00)

546

The Supreme Court of South Carolina

Alonzo C. Jeter, III, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-000750

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 OCT 28 AM 11:36
BRANDY W. MCBEE

ORDER

By order dated September 14, 2022, this Court dismissed the present matter on the ground that Petitioner failed to show there was an arguable basis for asserting that the determination by the lower court was improper pursuant to Rule 243(c), SCACR. Petitioner has now filed a petition for rehearing of that decision. Petitioner has also filed a motion to strike his original explanation filed pursuant to Rule 243(c), SCACR, and file a supplemental explanation. 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. Therefore, there is no basis for granting a rehearing. *See* Rule 221(a), SCACR (providing a petition for rehearing must state with particularity the points supposed to have been overlooked or misapprehended by the Court). Accordingly, the petition for rehearing is denied. The motion to strike is denied as moot.

C.J.

J.

J.

J.

J.

547

Columbia, South Carolina
October 26, 2022

cc:
Chelsey Faith Marto, Esquire
Alonzo C. Jeter, III, 282902

548

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

October 26, 2022

The Honorable Brandy W. McBee
PO Drawer 2289
Gaffney, SC 29342-2289

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 OCT 28 AM 11:36
BRANDY W. MCBEE

REMITTITUR

Re: Alonzo Jeter v. State
Lower Court Case No. 2019CP1100457
Appellate Case No. 2022-000750

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Brenda F. Shealy

CHIEF DEPUTY CLERK

cc: Chelsey Faith Marto, Esquire
Alonzo C. Jeter, III, 282902

2008-10-06-01

549

The Supreme Court of South Carolina

RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court

ADMINISTRATIVE ORDER

In post-conviction relief (PCR) cases, the appointment of counsel is appropriate only when a hearing must be held. Rule 71.1, SCRCP ("If, after the State has filed its return, the application presents questions of law or fact which will require a hearing, the court shall promptly appoint counsel to assist the applicant if he is indigent."); Richardson v. State, 377 S.C. 103, 659 S.E.2d 493 (2008). I find that in many cases counsel are being appointed when the above standard has not been satisfied.

Further, in a significant number of these cases, the application is ultimately denied as being successive or as being barred by the statute of limitations. The appointment of counsel in such cases places an unnecessary burden on the appointed counsel, and violates the mandate of Rule 608(g), SCACR, that appointments should be minimized. To help address this problem, I find it appropriate to direct the following:

Consistent with Rule 71.1, SCRCP, counsel will not be appointed until the Post-Conviction Relief Section of the Attorney General's Office files its return to the application. In its return, the Attorney General's Office shall clearly state in the caption heading whether it requests that counsel be appointed for the applicant.

If the Attorney General requests the appointment of counsel, counsel shall be appointed for the applicant unless a circuit court judge determines that it is inappropriate to do so. The authority to make the appointments in these cases may be delegated to the Clerk of Court or some other official.

If the Attorney General opposes the appointment of counsel for an indigent applicant, counsel will only be appointed as follows:

(1)If the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations,[1] counsel will not be appointed except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit. In these cases, the Chief Judge will insure that counsel is only appointed for an indigent applicant when the facts raise a material issue regarding the applicability of the rule forbidding successive applications or the statute of limitations.Cf. Gary v. State, 347 S.C. 627, 557 S.E.2d 662 (2001) (statute of limitations).

(2)In all other cases in which the State opposes the appointment of counsel, counsel will only be appointed upon written order of a circuit court judge under the standard contained in Rule 71.1, SCRCP.

IT IS SO ORDERED.

s/Jean H. Toal
JEAN H. TOAL
CHIEF JUSTICE

Columbia, South Carolina
October 6, 2008

[1] S.C. Code Ann. § 17-27-45 (2003).

this morning. I don't know whether he got the actual email that I sent to Corrections, but he certainly got the documents and certainly seems prepared to argue. But I understand that Your Honor has said that he'll be able to respond at a later time.

But nothing that Mr. Jeter has said changes our arguments. He is not challenging his conviction. He is not bringing this matter within the context of a post-conviction relief proceeding. His previous proceeding has ended. If he had a complaint about scheduling or the assignment or lack of assignment of counsel, he could have raised it within that proceeding and either did and it was decided against him or he did not. And either way, that barred by res judicata.

The 2008 order of Jean -- of Chief -- former Chief Justice, Jean Toal, that I attached to our memorandum, provides that there should not be appointment of counsel unless a hearing is scheduled. So when there's a summary dismissal of a PCR proceeding, there is no appointment of counsel for that. That's by order of the Supreme Court. Only the Supreme Court can change that. It's also governed by Rule 71.1 of the Rules of Civil Procedure. Only the Supreme Court can change that.

So he's asking this Court for an advisory opinion that it has on PCR scheduling and appointment of counsel that this Court lacks authority to issue. We -- this Court lacks

I'm not trying to take up much of the Court's time.

But, Your Honor, again -- I must say again, I don't have any pleadings. I do have a record that's sufficient. I do have another case that has a -- maybe more of a record that I've asked to point to and get those filings from, that PCR action. And when you're looking at the PCR action, I'm not asking the Court to make a determination for -- of my conviction. I'm asking the Court to make the determination of the procedure. Is the -- my -- the questions that I have -- that I've asked in my complaint are plain and clear. They're plain and clear. All it takes is the Court to read the questions and understand what I'm asking and not count me out because I'm some prisoner.

(Pause.)

THE COURT: So is it your contention that you made motions in the PCR action that never came before the judge?

MR. JETER: That's correct. And that's because the adversary has been given -- by no order -- let's make that clear because they ordered that you cannot make a determination based -- by the order that a court -- a order or a statute; and there is no order or statute that says the attorney general is supposed to be handed my motions and prevent me from coming before a judge.

So, yes -- the short answer - yes, ma'am. That is my contention. And that's not my only contention.

prisoner that's going through this. I'm just the only prisoner that's been able to break it down and try to present it to a court that I'm hopefully -- is listening and paying attention and would actually read my pleadings. My pleadings are very clear as to these things. They're asking for the individual -- the fitness to be -- what's the wording?

(Pause.)

MR. JETER: Yeah. They want the case to be dismissed to those individuals and their individual capacity -- they're being defendants in their individual capacity. However, there's a case -- and I don't know the full case. I want to put it on record. But it's Rockhill versus something or something versus Rockhill. And in this case, this gentleman brought a declaratory judgment action, just as I am today. And the court would not hear his action because he failed to serve the judge individually. He failed to name and serve the judge. So in the declaratory action, you must name the parties who were involved, individual, because I'm not here to sue. I'm here to give a declaratory judgment, Your Honor. Yeah, we call it a suit, but I'm not looking for any monies -- money damages. And at the end, I'm not challenging my conviction.

The question I -- the question that I asked the Court was, as far as the -- as far as the ministerial duties of the clerk of court. Now, the clerk of court has ministerial

pleadings. I can't remember it all. This is a difficult case. And these -- this gamesmanship that the State has -- continues to play -- and it's been -- and I'm hoping that you don't overlook their gamesmanship, Your Honor. Because, again, I'm going to repeat, you have not told me that you see where they scheduled -- rescheduled this hearing for other date. So here I am again today -- no notes, not prepared, not studied. The issues that they're saying are controlled by the Supreme Court -- the Supreme Court has not issued an order saying that the attorney general's office is supposed to schedule my motions, and definitely not supposed to prevent me from being before the court.

Appointment of counsel; Your Honor, when a pro se litigant files for counsel in a PCR matter, okay, you have a issue then where the summary judgment comes into play, right? Summary judgment, there must be genuine issues of material fact, right?

THE COURT: Yes.

MR. JETER: Okay. In order for there to be a hearing, there must be genuine issue of material fact. In order for there to be appointment of counsel, there must be a genuine issue of material fact so that there can be a hearing. However, when a pro se litigant files for appointment of counsel, this motion goes to the attorney general, which is the adversary. So you have the adversary determining whether

was saying in my complaints thus far. They're unjust of this state. And they would like to turn this into a PCR matters, meaning challenging my conviction. And this is not what I'm doing. I do know and realize that PCR is the proper avenue to challenge my conviction. However, I'm not challenging the conviction; I'm challenging the PCR process and procedures themselves.

Your Honor, it's these same -- state that was responsible for -- that the clerk of court handed over the duties to schedule motions in my cases, in my PCR actions. So in -- so when I'm going to file a motion as a pro se litigant, my motion wouldn't be scheduled and placed on the calendar for hearing -- on the Court's calendar. Instead, it would be forwarded to the attorneys general's office for the Attorney General, as the adversary in my case, to schedule this motion. And I have audited -- in my filings the separation of powers. They are the executive. And they are exercising the judicial powers. And they're taking over the court's -- the clerk of court's ministerial duties.

And I, again, Your Honor, I must say again, I don't have any paperwork. So the questions that I've asked, they are in my filings. I've been specific in my filings of what I'm saying. I've been -- and I'm here on a declaratory judgment. We must get that understood so that we can leave PCR out of the equation. PCR -- I, again, agree that there's to

ask that all of them are dismissed.

As we lay out in our Motion to Dismiss and in the Memorandum, our contention is that Mr. Jeter lacks standing against them because a favorable judicial decision against them would not redress his complaints. A decision against these defendants just wouldn't resolve the questions of how PCR's are scheduled and how the Supreme Court's scheduling order should or should not be interpreted. Also, Mr. Jeter doesn't seek anything that these individual defendants acting in their individual capacity could provide to him. Several of them, as I mentioned, are members of the judiciary. But this is an improper way to compel them to issue an order or to amend the Supreme Court order. So our contention is he lacks standing to sue these defendants.

Secondly, he has not pled a cause of action against these defendants. It appears that he sued them in their individual capacity. In their individual capacity, none of these individuals were involved with his PCR. That was all in their official capacity. And so, individually, he's not pled a cause of action against them; officially, they would be subject to a variety of immunities, whether that be, you know, judicial immunity or prosecutorial immunity, they would be exempt for those reasons.

And then, finally, I don't think this is the case, but to the extent that the declarations Mr. Jeter seek would have the

I can't name the case, the date, but I do know it's a Rockhill case versus -- Rockhill, where the judge was not served in name personally. And this -- the case -- the court in that case -- the appellate in that case, says that individuals must be named. In an ordinary suit, you must name the entity. Right? So -- but in this case, the -- I'm naming both -- both parties. And they were saying that -- he again reiterated the fact that you don't -- that a pro se litigant doesn't receive counsel unless a hearing is scheduled. Okay. Again, I will ask, who makes the determination whether there are -- is genuine issues of material fact of law when a pro se attorney -- when a pro se litigant files a motion for appointment of attorney -- of counsel?

What happens, again, is the adversary is the one that makes that determination. And, again, that's separation of powers. That's a violation of that separation of powers -- of the South Carolina constitution and violation of due process, both of United States and South Carolina constitution.

He makes the statement if I had to push the complaint regarding scheduling, I could have raised that. Okay. If this is the midst of this proceeding and I raise that -- and I raise that issue in some kind of way, it goes right before the adversary that I'm complaining about. So that adversary -- what they does is still don't hear that issue because he has so much control over whether it's heard or not. So that's why

incarceration with South Carolina Department of Corrections, as acknowledged by him in his FOIA request and as well in the complaint filed in this matter.

And so, therefore, the plaintiff's not entitled to utilize FOIA, and SLED's denial of such a FOIA was proper. And so I would posit that the defendant's are certainly entitled to judgment as a matter of law.

To elaborate just a little bit further, Your Honor, so the plaintiff's self-proclaimed -- the quote was a "status as a pro se litigant," does not instill upon him the ability to utilize FOIA in lieu of the limitations and exceptions set forth in South Carolina Code 30-4-30(a)(1).

The plaintiff goes on to allege that he's being deprived of fundamental rights pursuant to the 5th and 14th Amendments, since he can't access records to represents himself. But that's -- that's not correct. The plaintiff certainly can utilize various avenues of access to records, most notably pursuant to Rules of Civil and Criminal Procedure, but he simply can't avail himself of access to public records via FOIA.

In the filings, the plaintiff contended that he's seeking certain records under FOIA in furtherance of a post-conviction relief action, one that, at least at the time of the filings of this matter, was pending; and there was another on appeal. And so, you know, to that end, South Carolina Code, you know,

has no bearing on the merits of this current declaratory judgment action.

And so, all told, Your Honor, the Defendant SLED here does not believe that there's a factual dispute at issue. And we would respectfully as this Court to grant summary judgment as a matter of law.

Thank you.

THE COURT: Okay.

Mr. Jeter?

MR. JETER: Okay.

He stated -- counsel stated somewhat in the record correctly. I want to address the point with the counsel for the motions that I filed first, where he started from.

The motion of appointment for counsel, I did file that when it -- maybe after filing this case. And that's been pending since August of 2021.

He states -- and sets forth a red heron when doing so -- he says that I state in my motion that I'm entitled to the appointment of counsel. And that's certainly not what I'm asking. I don't feel entitled to counsel, I just feel that equity would allow me counsel, and that equity does allow the Court to appoint counsel as the Court sees fit. So, no, I don't want to put forth that I'm entitled. I don't need him adding to my pleadings and to confuse the record in that sense.

Code 30-4-100 states that "Over -- after -- within 10 days, an initial hearing should be scheduled. And thereafter, if the hearing court were unable to make a final ruling at such hearing, a scheduling order should have been established, aimed at concluding the actions. Violations of South Carolina Code 30-4-100 results in irreparable injury for which no adequate remedy at law exists." That's law. That's the statutes. Okay.

So what I'm getting here is that we have counsel -- we have this counsel representing this state of South Carolina, the arms of the State, SLED is an arm of the State of South Carolina. And no one worries about the statutes of South Carolina. Counsel, they don't worry about the statutes; they just worry about it when it's -- benefits them and look over all the other ones.

And I filed the return to defendant's motion for summary judgment. And I did ask -- this -- I will -- and I'll -- the factual background in this case, I did file -- on July 2021, I did file a letter requesting a letter -- records from SLED. And at that time, Your Honor, I did have a pending PCR and I was preparing to -- for a return to the court in action. And I needed records to display newly discovered evidence and after-discovered evidence.

And I'm not -- I'm just going to touch on this fact: in the PCR proceeding, Your Honor, he -- the counsel just states

copy, and receive any public record of the public body does not extend to individuals serving a sentence of imprisonment in a state or county correction facility in this state or in another state.'"

But there is a second portion to that statute, that the State and the attorney would not address.

(Pause.)

MR. JETER: And that's -- it's a latter portion of that statute. And it -- and they undermine and ignore this -- the legislative intent, as it renders that this latter portion of this statute surpluses. And the statute -- a statute shouldn't be construed that no word or phrase or clause should not have any effect.

So this portion of the statute states this, "However, this may not be construed to prevent those individuals from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution under the South Carolina Rules of Criminal Procedure." Okay.

But it doesn't mean end there. That's just one of the reasons where they could go beyond and allow that -- allow the prisoner to have the records.

(Pause.)

MR. JETER: So again -- and I wanted to make sure I'm expressing this point: we look at the news everyday and we see

on the issues of the violations of the law and the violation of prisoners' constitutional rights as a whole. And I hope -- and the most important thing, is there are -- all of these are arms of the state. Every arm of the state has someone pulling against the prisoner from trying to put forth his rights.

And, thank you, Your Honor.

THE COURT: Okay. Thank you.

Mr. Ahearn, briefly, sir, anything you want to say in reply?

MR. AHEARN: No, Your Honor. Thank you.

THE COURT: Let me ask, do you want some additional time, Mr. Jeter, in this case as well, to file anything additional? I see that you did file a return to the Motion for Summary Judgment. Do you think you --

MR. JETER: Your Honor, I think this case is kind of self-explanatory. The record is sufficient if -- you know, if you get understanding of my concerns. And like I say, most importantly, the Court -- my most important question in this case is, I'm asking the Court to understand the legislative intent in this case. When they are specific and goes to the constitutional rights of the prisoners, because they knew that this was -- would happen.

When I put in the Freedom of Information to SLED and they denied it, they refused to even give any credits any way, any kind of conversation as far as the latter part of the statute,

CERTIFICATE OF TRANSCRIBER

State of South Carolina

County of Richland

I, BARBIE TEBOE, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings and evidence introduced in the trial of the captioned case, relative appeal, in the Court of General Sessions for Richland County, South Carolina, on the 13th day of June, 2024.

I further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 21, 2025

Barbie K. Teboe

Barbie Teboe,
Transcriber

179

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs 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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**PLAINTIFF'S EXHIBIT** **A *thru* R**

The Plaintiff, Alonzo C. Jeter, III, hereby submits the following as Exhibits A thru R in this case.

Plaintiff submits the following:

EXHIBIT

A - One Single Prior Conviction Proof

B - Confirmation That Jean Toal Memo Remains Active

C - ExParte Activities

D - Frustration of Clerk of Court with Form 4

E - Inquiries to Clerks of Courts Regarding Ministerial Duties

F - Judges Do Not Review OAG Determinations Regarding Appointment of Counsel

This ____ day of _____ 2024.

G - Applicant's Unheard And Unadjudicated Motions

H - No Access To Law Library For 8 Months

I - Attempt To Confuse Applicant Regarding Appointment of Counsel

J - U.S. Dist Judge Finding OAG Actions Bizarre

K - U.S. Dist Judge Recommends Stay Due To Unheard Ground and Motion

L - Proof Motions Are Forwarded To The Adversary

M - All Filed Rule 59(E), SCRCP Motions In PCR Action

N - Unfair Surprise Hearing Conducted To Prevent Discovery From Being Entered Into Record

O – Failure To Provide Fair Notice In The Case At Bar / Subadjudice

P – Supplemental Explanation

Q - Amended Supplemental Appendix

R – Attempt To File CD/DVD For The Record & Proof

Respectfully Submitted,

_____

Alonzo C. Jeter, III
Plaintiff / pro se

Evans Correctional Institution
610 Hwy 9, West
Bennettsville, South Carolina 29512

185

~~524~~

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT
	Case No. 2019-CP-11-0457
Alonzo C. Jeter, III, #282902, APPLICANT, V State of South Carolina, RESPONDENT.	SOUTH CAROLINA DEPARTMENT OF CORRECTIONS' PRODUCTION OF DOCUMENTS AND THINGS RESPONSIVE TO APPLICANT'S APRIL 1, 2022 SUBPOENA (RULE 26(g)(1), SCRCP)

The Applicant, Alonzo C. Jeter, III, hereby submits the Production of Documents and Things which are responsive to Applicants April 1, 2022, subpoena request issued on the South Carolina Department of Corrections. (See Rule 26(g)(1), SCRCP).

The Applicant hereby submits the same seeking that it be included and entered in for the record in this above captioned action. (See attached documents and Information).

However, Applicant also would seek that the audio recording responsive to the subpoena be also included and entered in the record. As Applicat is an incarcerated person, Applicat does not have the possession of this Audio CD in his control, but rather it is maintained currently in Applicats' inmate record at the South Carolina Department of Corrections' Manning Correctional Institution where Applicat is presently confined.

Applicant seeks the Court's assistance in acquiring copies for the Court/Respondent/ and Applicants' records.

Respectfully submitted,

Alonzo C. Jeter, III,
APPLICANT/ pro se

This 6th day of April, 2022

FILED IN OFFICE OF CLERK OF COURT CHEROKEE CO., S.C.

2/331

187
~~526~~

MEMORANDUM

TO: Ms. Merithus Staley

FROM: Jonathan R. Eckstrom JRE

RE: Alonzo C. Jeter, III (282902)

DATE: April 1, 2022

Please find enclosed a CD that contains an audio recording Offender Jeter requested. Please schedule a time for Offender Jeter to listen to this audio recording. The CD needs to be placed in Offender Jeter's inmate record once he has had an opportunity to listen to the recording. Thank you in advance for your help.

CC: Mr. Alonzo C. Jeter, III (282902)

~~COPY~~

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
W-6/43B
502 Beckman Drive
Columbia, South Carolina 29203

June 3, 2022

The Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
P O Box 11330
Columbia, South Carolina 29211

RE: Alonzo C. Jeter, III, v State; Lower Case No. 2019-CP-11-0457

Dear Honorable Clerk Howard:

I write seeking that your office assist me as I have had audio recordings subpoenaed from the South Carolina Department of Corrections. Those audio recordings have been produced in accordance with the subpoena, however, I am unable to obtain these audio cds to produce duplicate copies.

I am seeking to get the matters which are spoken verbatim in writing and or obtain a disposition regarding the cds. I am a prose litigant in the above captioned action (appeal from the above PCR case) and thus I have no counsel who can assist with the disposition and do not know who the SCDC appoints to handle dispositions.

6/331

RECEIVED

~~552~~

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Deter, III, #282902, APPLICANT, v State of South Carolina, RESPONDENT.	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457 *PRIORITY MATTER* MOTION TO REOPEN THE PCR RECORD And LEAVE TO COMPLETE D.I.SCOVERY

CHEROKEE COUNTY, SC
2022 MAY 13 A 11:23
CLERK OF COURT

REOPEN THE PCR RECORD

Applicant respectfully motions that this Court would reopen the PCR Record to allow opportunity to include on and for the record production of documents and things which would be responsive to outstanding subpoena requests.

Applicant, at a hearing which was held on his RULE 59(E), SCRCP motion on March 31, 2022, did inform the Court that he intended to seek discovery and further discovery in this case. Applicant did also express his difficulties with doing so in an pro se and inmate prisoner capacity, and did ask the court with assistance.

On April 11, 2022, Applicant did file production of documents and things responsive to Applicants April 1, 2022, subpoena to the SCDC, and did also, in this pleading, inform the Court that an Audio CD was provided and Applicant was having difficulty obtaining this in hand to be submitted to the Court for the record in this case.

~~559~~

As such, Applicant does unambiguously object to the Courts granting of Summary Judgment with an incomplete record and basis that there exists no "genuine" issue ~~of~~ as to material fact."

Respectfully submitted,

This 9th day of May, 2022.

FILED IN THE OFFICE OF THE CLERK OF SUPERIOR COURT
2022 MAY 13 A 11:26
BROOKS COUNTY, GA.

MEMORANDUM

TO: Ms. Merithus Staley

FROM: Jonathan R. Eckstrom

RE: Alonzo C. Jeter, III (282902)

DATE: May 15, 2022

Please find enclosed a CD that contains audio recording Offender Jeter requested (subpoena item 5). Please schedule a time for Offender Jeter to listen to these audio recordings. I have also attached documentation responsive to items 2, 3, 4, 6, 7, 8 & 9. The CD and responsive documentation need to be placed in Offender Jeter's inmate record once he has had an opportunity to listen to the recordings and review the documentation. Thank you in advance for your help.

~~229~~

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Jeter, III, #282902, APPLICANT, V State of South Carolina, RESPONDENT.	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457 NOTIFICATION OF APPLICANT'S SATISFACTION OF THE SUFFICIENCY OF THE RECORD (With Exception of 2 Audio CDs)

The Applicant, Alonzo C Jeter, III, hereby notifies this Court and the Respondent is satisfied that he has now provided, as of this date, all Affidavits, Exhibits and Evidence which now completes Applicant's burden of providing a sufficient record for a meaningful and equitable adjudication of this case.

Applicant files this Notification at this time so as to make clear and for certain that this Court and Respondent is aware of Applicant's satisfaction in this regard, albeit there remains an exception of 2 Audio CDs. Applicant has infact attempted to provide these CDs for filing, however the CDs were returned to Applicant by the Cherokee County Clerk of Court's office in anticipation of a hearing in this case. (See attached Correspondence dated July 6, 2022 of Clerk's office).

WHEREFORE, Applicant being satisfied with regard to the sufficiency of the Record, as of today, will rest in as much as the record is complete to the extent and with exception of 2 Audio CDs.

Respectfully submitted,

SCDC

Alonzo C. Jeter, III, #282902 ~~6##~~
Manning Correctional Institution
W-5
502 Beckman Drive
Columbia, South Carolina 29203

July 25, 2022

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
PO Box 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

SCDC
JUL 25 2022
MAIL ROOM

RE: Alonzo C. Jeter, III, v State; Case No. 2019-CP-11-0457

Dear Honorable McBee:

I write asking that you please issue a signed subpoena for deposition. Specifically, I would like that Mr. Andrew Dennis be deposed regarding 2 Audio CDs which were provided to me in response to my subpoena for documents and things of May 15, 2022.

I would like that both Mr. Andrew Dennis and Mrs. Valerie Whitaker be deposed regarding the report of my current and prior commitments to the SCDC and also to Mrs Whitaker's written statement of my prior commitments dated April 19, 2022, and filed with this Court as Exhibit III on April 25, 2022.

I am seeking written depositions. I am unsure of how this may be managed being that I am a prisoner who is self-represented, and confined at the facility where these persons are employed and serve as my classification case managers. I would need an impartial neutral reporter, notary, and person to assist in deposition.

~~643~~

June 27, 2022

Alonzo C. Jeter, III, #282902
Manning Correctional Institution
W-5/53B
502 Beckman Drive
Columbia, South Carolina 29203

The Honorable Brandy W. McBee
Clerk, ~~State of~~ Cherokee County
Post Office Box 2289
125 E. Floyd Baker Blvd.
Gaffney, South Carolina 29342

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 11:04
BRANDY W. MCBEE

RE: Alonzo C. Jeter, III v State of South Carolina
Case No. 2019-CP-11-0457

Dear Honorable Clerk:

Enclosed for filing, please find the ① South Carolina Department of Corrections' Supplemental Production Responsive To Subpoena, ② Motion For Judicial Notice of Supplemental Production Responsive To Subpoena, ③ Correspondence dated June 27, 2022 to Chelsey F. Marto, AAG, ④ Affidavit of Applicant, ⑤ Two (2) Audio Compact Discs (CDs), ⑥ Certificate of Service regarding the same.

Enclosed please also an additional copy of the same along with a self-addressed stamped envelope. 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

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STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Jeter, III,
APPLICANT,

V

State of South Carolina,
RESPONDENT.

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT
Case No. 2019-CP-11-0457

AFFIDAVIT OF APPLICANT

FILED IN OFFICE OF CLERK OF COURT CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 10:05
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, hereby certify that I have placed (two) Audio Compact Discs (CDs), which contain the Audio Deposition of Applicants Classification Review Hearings which were held on December 9, 2021; October 18, 2018; and September 10, 2015. (This Audio is in MP3 file-format and 3,181 KB, 1,720 KB, and 2,815 KB file sizes respectively), in the hands of Manning Correctional Institution personnel on this 27th day of June, 2022, for mailing, via the United States Mail, addressed as follows: The Honorable Brandy W. McBee, Clerk, Cherokee County Court, Post Office Box 2289, 125 E. Floyd Baker Blvd., Gaffney South Carolina 29342.

SWORN and Subscribed before me
this 27th day of June, 2022

Eunice Denise Clark
Notary Public for South Carolina
My Commission Expires: 2/5/31

s/
Alonzo C. Jeter, III
APPLICANT / pro se

EUNICE DENISE CLARK
Notary Public, State of South Carolina
My Commission Expires 2/5/2031

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE Alonzo C. Jeter, III, APPLICANT, V State of South Carolina, RESPONDENT.	IN THE COURT OF COMMON PLEAS IN THE SEVENTH JUDICIAL CIRCUIT Case No. 2019-CP-11-0457 MOTION FOR JUDICIAL NOTICE OF SUPPLEMENTAL PRODUCTION RESPONSIVE TO SUBPOENA

Applicant, Alonzo C. Jeter, III, hereby respectfully motions this Court that it would take Judicial Notice and accept for the record in this case, the Supplemental production of documents and things which are responsive to Applicant's subpoena for the same.

Specifically, Applicant has received, on June 24, 2022, the supplemental production of the documents and things from the South Carolina Department of Corrections which is responsive to a subpoena for the same.

Applicant asks that this Court would take Judicial Notice of the same, accept the same for the record, and would consider the same in providing an equitable adjudication regarding this case.

Respectfully submitted,

Alonzo C. Jeter, III
APPLICANT / pro se

This 27th day of June, 2022.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 JUN 30 AM 11:05
BRANDY W. MCBEE

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~~649~~

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE

TO:	Inmate Alonzo C. Jeter, III
SCDC #:	282902
INSTITUTION:	Manning CI – Dorm #: W5-0053-B
FROM:	Jonathan R. Eckstrom
DATE:	June 23, 2022
RE:	Inmate Correspondence received June 3, 2022, Kiosk Request 22-2635174 & 22-02657027

Mr. Jeter,

I am in receipt of your above referenced messages concerning your March 18, 2022 and May 3, 2022 subpoenas.

Please find enclosed the Tyger River supplemental documentation for items 2, 3, 4 and 7 from your May 3, 2022 subpoena (GC191-CG197). As to the Perry documentation for items 2, 3, 4 and 7 from your May 3, 2022 Subpoena, those documents were destroyed pursuant to the record retention policy.

Please also find enclosed the classification documents you requested in your May 3, 2022 subpoena (GC001-GC020). I was informed that you are able to keep the classification documents in your possession. However, you cannot have the policies (GC021-GC157) or the CDs in your possession. You are unable to keep the policies in your possession pursuant to SCDC Policy GA-01.01 subsection 4.

I have asked Ms. Staley to allow you the opportunity to review the policies. If you need copies of the policies for court filings, please let Ms. Staley know. Ms. Staley will send the policies to the mailroom with instructions to have copies made and held until you are ready to mail them out. I have prepared two CDs containing the audio recordings you requested in your March 18th and May 3rd subpoenas. I sent the two CDs directly to Ms. Staley via interdepartmental mail. Ms. Staley will place the CDs and policies wherever Manning CI stores restricted legal material. When you are ready to mail the CDs, please let Ms. Staley know so she can send the CDs to the mailroom where they will be held until you are ready to mail them out. You can request photocopies of the documents in your possession via the normal procedure.

Should you have any questions, please contact me.

S/ Jonathan R. Eckstrom
Jonathan R. Eckstrom
Office of General Counsel

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651

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
OFFICE OF GENERAL COUNSEL
RESPONSE TO INMATE CORRESPONDENCE

TO:	Inmate Alonzo C. Jeter, III
SCDC #:	282902
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Should you have any questions, please contact me.

S/ Jonathan R. Eckstrom
Jonathan R. Eckstrom
Office of General Counsel

EXHIBIT - III

Valerie Whitaker
4/19/22

#282902 Alonzo Jeter III

5/9

Current Offenses	years	start date
Trafficking Meth 10-28 GR2	15 years	6/01/2014
Dist. Etc. Meth. 2ND	15 years	6/01/2014
Dis/Sell/Pur Con Sub SCH	10 years	6/01/2014
Dist. ETC Meth. 2ND	15 years	6/01/2014
Dis/Sell/Pur Con SUB SCH	10 years	6/01/2014

Completed Offenses	years	start date
Habitual Traffic Offender	1 year	04/27/2008
CRACK Possess	2 years	06/14/2005
Driving Influence Liquor	5 months	06/14/2005
Fail to stop for officer	1 year	07/23/2002

End of Report

V. Whitaker 4/19/22

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2022 APR 25 PM 12:02
BRANDY W. MCBEE

S20

OMS Offender Management System

Inmate Request - General

Today's Date: 3/23/22 14:57

Name:	JETER III, ALONZO COLUMBUS
Booking #:	SCB0032889
Permanent #:	SCP0032889
Reference #:	20-01702490
Date Requested:	09/25/20 16:42
Request Type:	Classification
Requested By:	Kiosk
Request Details:	Will you please send an Order to Report so that I may come speak with you regarding my concerns. I was told months ago that I would be receiving an Order to Report and your office failed to send this to me. I really do need to speak with you and that I can explain to you and you also explain to me. The way that this is going with request back and forth taking 45 days per answer is absurd, especially when I am being provided such shallow answers. I have asked simply that you provide me signed documentation from your office that will list the charge for which I was in SCDC for in my prior commitments to SCDC, along with the case number for the charge. I need WRITTEN DOCUMENTATION of this... If you do not desire to write this, I simply asked that you would provide me a signed class summary report which would provide this information.
Disposition:	Complete
Officer:	
Disposition Date:	10/06/20 16:00

Request Responses

Date	Author	Note
10/06/20 16:07	c037833	OFFENDER JETER, BELOW IS A LIST OF YOUR 11 CHARGES. YOU ARE CURRENTLY INCARCERATED FOR CONVICTIONS 7-11. SHOULD YOU NEED COPIES OF YOUR CONVICTION ORDERS YOU CAN CONTACT THE CLERK OF COURTS OFFICE IN YOUR COUNTY OF COMMITMENT. IF YOU ARE NEEDING ANY COPIES FOR A LEGAL MATTER, YOU ATTORNEY WILL NEED TO MAKE A FORMAL REQUEST OF YOUR RECORD THROUGH OUR LEGAL DEPARTMENT. IF YOU WANT COPIES, THERE IS A COST AND A PROCEDURE YOU WILL HAVE TO FOLLOW. M. JACKSON CLASSIFICATIONS, CENTRAL OFFICE. S00011 TRAFFICK METH 10-28G 015 YRS S00010 DIS/SELL/PUR CONT SU 010 YRS S00009 DIST., ETC METH. 2ND 015 YRS S00008 DIS/SELL/PUR CONT SU 010 YRS S00007 DIST., ETC METH. 2ND 015 YRS S00004 2 N HABITUAL TRAF 001 YRS S00006 2 N CRIMINAL CONS 005YRS S00005 4 N ASSLT & BATT 015 YRS S00003 2 N DRIVING INFLU 000 05 MONTHS S00002 2 N CRACK POSSESS 002 YRS S00001 2 N FAIL TO STOP 001 YRS

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STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	)	IN THE COURT OF COMMON PLEAS IN THE FIFTH JUDICIAL CIRCUIT
	)	CASE NO. 2024-CP-40-01737
Alonzo C. Jeter, III, Plaintiff, vs	)	**PLAINTIFF'S EXHIBIT** **B**
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 Hoefer Toal; Donald D. Beatty, Defendants.	)	**CONFIRMATION THAT FORMER CHIEF JUSTICE JEAN H TOAL'S ADMINISTRATIVE ORDER REMAINS ACTIVE**

South Carolina Supreme Court Providing Confirmation That Former Chief Justice Jean Hoefer Toal's Memorandum Order Remains Active

Appendix I - Pgs 343-344

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~~344~~

Exhibit - Y

2008-10-06-01

The Supreme Court of South Carolina

RE: Appointment of Counsel in Post-Conviction Relief Cases Before the Circuit Court

ADMINISTRATIVE ORDER

In post-conviction relief (PCR) cases, the appointment of counsel is appropriate only when a hearing must be held. Rule 71.1, SCRCP ("If, after the State has filed its return, the application presents questions of law or fact which will require a hearing, the court shall promptly appoint counsel to assist the applicant if he is indigent."); Richardson v. State, 377 S.C. 103, 659 S.E.2d 493 (2008). I find that in many cases counsel are being appointed when the above standard has not been satisfied.

Further, in a significant number of these cases, the application is ultimately denied as being successive or as being barred by the statute of limitations. The appointment of counsel in such cases places an unnecessary burden on the appointed counsel, and violates the mandate of Rule 608(g), SCACR, that appointments should be minimized. To help address this problem, I find it appropriate to direct the following:

Consistent with Rule 71.1, SCRCP, counsel will not be appointed until the Post-Conviction Relief Section of the Attorney General's Office files its return to the application. In its return, the Attorney General's Office shall clearly state in the caption heading whether it requests that counsel be appointed for the applicant.

If the Attorney General requests the appointment of counsel, counsel shall be appointed for the applicant unless a circuit court judge determines that it is inappropriate to do so. The authority to make the appointments in these cases may be delegated to the Clerk of Court or some other official.

If the Attorney General opposes the appointment of counsel for an indigent applicant, counsel will only be appointed as follows:

(1)If the Attorney General asserts that the application is barred as being successive or as being untimely under the statute of limitations,[1] counsel will not be appointed except upon written order of the Chief Judge for Administrative Purposes for the Court of Common Pleas in the circuit. In these cases, the Chief Judge will insure that counsel is only appointed for an indigent applicant when the facts raise a material issue regarding the applicability of the rule forbidding successive applications or the statute of limitations.Cf. Gary v. State, 347 S.C. 627, 557 S.E.2d 662 (2001) (statute of limitations).

(2)In all other cases in which the State opposes the appointment of counsel, counsel will only be appointed upon written order of a circuit court judge under the standard contained in Rule 71.1, SCRCP.

IT IS SO ORDERED.

s/Jean H. Toal
JEAN H. TOAL
CHIEF JUSTICE

Columbia, South Carolina
October 6, 2008

[1] S.C. Code Ann. § 17-27-45 (2003).

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ALAN WILSON
ATTORNEY GENERAL

December 10, 2020

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Box 2289
Gaffney, South Carolina 29342

Re: **Alonzo C. Jeter, #282902 v. State of South Carolina**
2019-CP-11-0457

Dear Ms. McBee:

Enclosed please find the original **Conditional Order of Dismissal** signed by the Honorable J. Mark Hayes, II, in the above-captioned case, for filing in your office.

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM/ec

Enclosure

FILED IN THE OFFICE
CLERK OF COURT
2020 DEC 11 A 8:56
BRANDY W. MCBEE
CHEROKEE COUNTY, SC

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, SC 29211-1549 • TELEPHONE 803-734-3970 • FACSIMILE 803-253-6283

221

STATE OF SOUTH CAROLINA COUNTY OF CHEROKEE	IN THE COURT OF COMMON PLEAS SEVENTH JUDICIAL CIRCUIT
Alonzo Columbus Jeter, III, 282902, Applicant, v State of South Carolina, Respondent.	Case No. 2019-CP-11-0457 CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For Independent Adjudication And Hearing On motions on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 13th day of August, 2021, for mailing via the United States Mail, addressed as follows: Chelsey F. Marto, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia South Carolina 29211-1549; The Honorable J. Derham Cole, Chief Administrative Judge, P.O Box 1744, 180 Magnolia St., 2nd Floor, Spartanburg South Carolina 29304-1744; The Honorable Brandy C. McBee, Clerk, Cherokee County Court, Post Office Drawer 2289, 125 E. Floyd Baker Blvd., Gaffney SC 29342.

SWORN and Subscribed before me
this 13th day of August, 2021

Shaquanna Brown

Notary Public for South Carolina
My Commission Expires: 2/3/2026

s/ Alonzo C. Jeter, III

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SHAQUANNA BROWN NOTARY PUBLIC MY COMMISSION EXPIRES 2/3/2026 SOUTH CAROLINA

RECEIVED
AUG 13 2021
TYRCI MAILROOM