STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
JUL 27 2026
SC Court of Appeals

| | |
|---|---|
| ALONZO TARELL JONES<br>PETITIONER | APPELLATE CASE NO:<br>2022-000158 |
| V. | |
| STATE OF SOUTH CAROLINA<br>RESPONDENT | MOTION TO DISMISS |

RELIEF SOUGHT:

ALONZO TARELL JONES PETITIONER (HEREINAFTER) "JONES", MOVES TO DISMISS THIS ACTION.

GROUNDS FOR RELIEF:

THE GROUNDS FOR THIS MOTION ARE THAT THE KERSHAW COUNTY COURTS LACKS SUBJECT MATTER JURISDICTION OVER THIS ACTION. IN PARTICULAR, THE ACTION SHOULD BE DISMISSED BECAUSE THE STATE COURT WHICH FIRST TOOK THE SUBJECT-MATTER OF THE LITIGATION INTO ITS CONTROL, NAMELY, THE PROPERTY PURSUANT TO [DESCRIBE THE CRIME], WAS NOT PERMITTED TO EXHAUST ITS REMEDY TO ATTAIN WHICH IT ASSUMED CONTROL BEFORE THE FEDERAL DISTRICT COURT TOOK IT FOR

its purpose. Thus the state court was precluded from exercising it's jurisdictional over this cause of action because it surrendered subject-matter jurisdiction when the property was [Gun] release to the control of the federal district court.

In support of this motion, Jones, Petitioner shows:

1.) The state court lack subject matter jurisdiction of this case, because the state court of South Carolina had prior exclusive juridiction over the [Gun]. When the Federal court superseded the state court jurisdiction in this similar and substantial cause of action.

2.) However, as the attached memorandum of Points and Authorites more fully explains, "the law is established in both civil and criminal case that where a state court and a court of the United States may each take jurisdiction, the court which first takes jurisdiction holds it to the exclusion of the other.

3.) As the memorandum of Points and Authorities also explain there is no other possible basis for this Action

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ALONZO TARELL JONES
PETITIONER

V.

STATE OF SOUTH CAROLINA
RESPONDENT

APPELLATE CASE NO:
2022-000158

MEMORANDUM OF LAW
IN SUPPORT OF

NEW P.C.R HEARING
AND REVERSE CONVICTION
AND SENTENCES FOR A
NEW TRIAL.

INTRODUCTION:

ALONZO TARELL JONES (HEREINAFTER) "JONES"
MOVES THIS COURT GRANT A NEW P.C.R
HEARING AND REVERSE CONVICTION AND
SENTENCES FOR A NEW TRIAL. THE
COURT LACKS SUBJECT MATTER JURISDICTION
OVER THE [CRIME] WHICH IS THE CAUSE
OF THE ACTION SUB JUDICE, BECAUSE THE
STATE HAD SUBJECT MATTER OVER THE
[CRIME]. THE FEDERAL COURT SUPERSEDED THE
STATE COURT JURISDICTION IN A SEPARATE
PROCEEDING, THERE BY IMPAIRING OR DEFEATING
BY ENJOINING THE STATE COURT PRIOR
EXCLUSIVE JURISDICTION IN THE
STATE COURT CRIMINAL CASE.

ON April 8, 2014 Petitioner Application for Post-Conviction Relief pg. 1-3 line 11 stating that there was no evidence that ATF took Possession of the evidence.

Argument:

Petitioner contends that this Action must be dismissed under the prior exclusive jurisdiction doctrine because the State Court of South Carolina first obtained prior exclusive jurisdiction over the [Gun].

Ex(A) Petitioner Arrest Warrant dated August 13, 20[illegible] for Felon In Possession of a Firearm. Ex(B) A copy of the ATF Agent Rathel on January 7, 2013 taken Possession of the Weapon from Camden Police Department Ex(C) Is Petitioners True Bill Indictment from the Court of General Sessions February Term 2013 for unlawful carrying of a [Pistol] After ATF took Possession of the Pistol. Ex(D) Guilty Plea of the Petitioner on April 9, 2013 after the ATF took Possession of the [Pistol] Ex(E) Is Petitioner Presentence Report stating the facts when Agent Rathel took Possession of the [Gun] from Camden Police Department

IN His Report CASE # 3:13-CV-00967-TLKL FOR Petitioner Federal case. EX(F) Is Court of common Pleas Cross Examination of Ronald MOAK PG 22 LINES 1-25 MR MOAK CLEARLY STATED THAT HE CALLED OVER to the CAMDEN City Police DEPARTMENT AND ASKED THEM IF THE GUN WAS still IN EVIDENCE AND THEY STATED THAT THE GUN WAS handed over to the ATF before THE STATE INDICTMENT AND GUILTY PLEA THAT WAS THE PURPOSE OF THE P.C.R HEARING. IN Petitioner Application FOR POST CONVICTION RELIEF PG 1-3 LINES 11 STATING THE ATF took POSSESSION OF THE EVIDENCE.

CONCLUSION:

FOR All THE REASON STATED ABOVE AND All THE PAPER WORK AND EXHIBITS ATTACHED THIS COURT SHOULD GRANT PETITIONERS MOTION BECAUSE THE STATE didn't HAVE THE [GUN] to INDICT OR PROSECUTE

RELEVANT BACKGROUND:

ON AUGUST 13, 2012 PETITIONER WAS ARRESTED FOR FELON IN POSSESSION OF A FIREARM by/ CAMDEN CITY POLICE DEPARTMENT. ON JANUARY 7, 2013 ATF SPECIAL AGENT JESSE LEE RATHEL TOOK POSSESSION OF THE PISTOL DESCRIBED AS SMITH AND WESSON/ BODY GUARD 380 (SERIAL # EAL7965) WITH ONE MAGAZINE.

ON FEBRUARY TERM 2013 PETITIONER WAS INDICTED FOR UNLAWFUL CARRYING OF A PISTOL S.C. CODE 16-23-0500(B)

ON MARCH 6 2013 SUMMARY OF EVENTS AGENT RATHEL TALKED WITH CAMDEN POLICE DEPARTMENT (CPD) INV. D. BURRIS ABOUT PETITIONER INTERVIEW AND CAPTIN FRAZIER ABOUT PETITIONER MIRANDA WAIVER.

ON APRIL 9, 2013 PETITIONER PLEAD GUILTY/ IN THE STATE OF SOUTH CAROLINA COUNTY/ OF KERSHAW CASE# 2013-GS-28-0083 2013-GS-28-0334

IN JULY OF 2014 PETITIONER PRESENTENCE REPORT FROM FEDERAL CASE# 3:13-CR-00967 TELL STATING THE FACTS ON HOW THAT ATF SPECIAL AGENT JESSE LEE RATHEL TOOK POSSESSION OF THE FIREARM.

#70680-053
ALONZO TARELL JONES
F.C.I SCHUYLKILL
P.O. BOX 759
MINERSVILLE PA 17954
0759

CC. HONORABLE FEDERAL JUDGE
TERRY L WOOTEN
901 RICHLAND ST.
COLUMBIA S.C. 29201
CASE #3:13-CR-00967-TLW

Ex (A)

# ARREST WARRANT

**2012A2820200068**

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
CAMDEN

THE STATE
against

ALONZO TARELL JONES
Address: 948 JOHN EDDYE RD
CASSATT SC 29032
Phone: (803) 424-1073 SSN: 250-45-0140
Sex: M Race: B Height: 5-10 Weight: 200
DL State: SC DL#: 007790366
DOB: 11/07/1980 Agency ORI#: SC0280100
Prosecuting Agency: CAMDEN POLICE DEPARTMENT
Prosecuting Officer: DAMIAN BURRIS
Offense: FELON IN POSSESSION OF A FIREARM
Offense Code: 3434
Code/Ordinance Sec. 16-23-0500(A)

This warrant is CERTIFIED FOR SERVICE in the ☐ County/ ☐ Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

**RETURN**

A copy of this arrest warrant was delivered to defendant ALONZO TARELL JONES on 8/13/12 1649

1448
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
CAMDEN MUNICIPAL COURT
1000 LYTTLETON STREET
CAMDEN, SC 29020
(803) 425-6025

ORIGINAL DOCUMENT

# AFFIDAVIT

Form Approved by S.C. Attorney General April 13, 2003 SCCA 518

STATE OF SOUTH CAROLINA )
☐ County/ ☒ Municipality of )
CAMDEN )

Personally appeared before me the affiant DET DAMIAN BURRIS who being duly sworn deposes and says that defendant ALONZO TARELL JONES did within this county and state on 08/13/2012 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of CAMDEN ) in the following particulars:

**DESCRIPTION OF OFFENSE:** 16-23-0500(A) / FELON IN POSSESSION OF A FIREARM

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT THE DEFENDANT DID COMMIT THE ABOVE STATED OFFENSE IN THAT HE DID HAVE IN HIS POSSESION A .380 CALIBER PISTOL IN HIS PANTS POCKET FOUND BY SGT D. MORALES DURING A SEARCH OF HIS PERSON. THE PISTOL WAS IN NCIC WITH SERIAL#EAL7965 AS STOLEN FROM RICHLAND COUNTY. JONES IS A CONVICTED FELON AND IS PROHIBITED TO BE IN POSSESSION OF A PISTOL OR AMMUNITION. THIS SAID OFFENSE OCCURED IN THE CITY LIMITS OF CAMDEN, SC. INVESTIGATION TO PROVE THE SAME.

FILED FOR RECORD
2012 AUG 20 PM 4:53
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

Signature of Affiant _____ (34)

Affiant's Address 816 W DEKALB ST
CAMDEN SC 29020
Affiant's Telephone 803-425-6025

STATE OF SOUTH CAROLINA )
☐ County/ ☒ Municipality of )
CAMDEN )

# ARREST WARRANT

**TO ANY LAW ENFORCEMENT OFFICER IN THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:**

It appearing from the above affidavit that there are reasonable grounds to believe that on 08/13/2012 defendant ALONZO TARELL JONES did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of CAMDEN ) as set forth below:

**DESCRIPTION OF OFFENSE:** WEAPONS / POSSESSION OF FIREARM OR AMMUNITION BY PERSON CONVICTED OF VIOLENT FELONY

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to the law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 8-13-12 (L.S.)
RODERICK M TODD

Judge Code: 002

Judge's Address 1000 LYTTLETON STREET BOX 7002
CAMDEN SC 29020-7002
Judge's Telephone 803-425-6035

Issuing Court: ☐ Magistrate ☐ Municipal ☒ Circuit

ATTEST: True, Correct & Certified Copy of Original on File in this Office
Kershaw County
Clerk of Court

ORIGINAL

Case: 2012-1424

(b)(6)(b)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

JONES, Alonzo

[redacted]

1

***SUMMARY OF EVENT:***

*On January 7, 2013, Agent Rathel took possession of the pistol and ammunition recovered from JONES during his August 13, 2012 arrest by the Camden Police Department (CPD).*

***NARRATIVE:***

*1. On January 7, 2013, Agent Rathel took possession of the pistol and ammunition recovered from JONES during his August 13, 2012 arrest by the Camden Police Department (CPD). The pistol seized is described as a Smith and Wesson Bodyguard 380 (serial # EAL7965) with one magazine. Seized also were four rounds of .380 caliber Hornady ammunition. Prior to placing the evidence in the Columbia Field Office evidence vault, the firearm was test fired. It did function as designed.*

*Attachment:*

*. Copy of CPD Evidence Status sheet.*

8&C)

## WITNESSES

S) Damien Burris – Camden Police Department

## ARREST WARRANT NUMBER

2012A2820200068

## ACTION OF GRAND JURY

TRUE BILL

oreperson of Grand Jury

ate: FEB 21 2013

## VERDICT

oreperson of Petit Jury

)ate:

20 Attorney for the Defendant

21

## DOCKET NO. 2013-GS-28-0083

## The State of South Carolina

County of

Kershaw

## COURT OF GENERAL SESSIONS

FEBRUARY TERM 2013

K96

THE STATE
vs.

Alonzo Tarell Jones

**Indictment for**
**UNLAWFUL CARRYING OF A PISTOL**

SC Code: **16-23-0500 (B)**
CDR Code: **3434**

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I _____ hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
2013 FEB 20 PM 12:24
JOYCE McDONALD
CLERK OF COURT
KERSHAW COUNTY, S.C.

ATTEST True, Correct & Certified Copy of Original on File in this Court
Janet C. Heady
Clerk of Court Kershaw County

EXD1

STATE OF SOUTH CAROLINA )
) COURT OF GENERAL SESSIONS
COUNTY OF KERSHAW )
2013-GS-28-0083
2013-GS-28-0334

State of South Carolina,
Plaintiff,

vs.

Alonzo Tarrell Jones,
Defendant.

TRANSCRIPT OF RECORD

April 9, 2013
Camden, South Carolina

B E F O R E:

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.

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

BRETT A. PERRY, DEPUTY SOLICITOR
Attorney for the Plaintiff

CORNELIUS J. RILEY, CHIEF PUBLIC DEFENDER
Attorney for the Defendant

DEBORAH M. McCURDY, RPR
Official Court Reporter

When Inv. Burris contacted the Richland County Sheriff's Office, a detective there confirmed the .380 had been reported stolen in Richland County. Jones refused to write a statement following the interview.

On January 7, 2013, ATF Special Agent Jesse Lee Rathel took possession of the pistol and ammunition recovered from Jones during his August 13, 2012, arrest by the Camden Police Department. The pistol seized was a Smith and Wesson, Model Bodyguard, .380 caliber pistol, serial number EAL7965, with one magazine. The ammunition was described as four rounds of .380 caliber Hornaday ammunition. Prior to placing the evidence in the Columbia Field Office evidence vault, ATF SA Rathel test-fired the firearm and found it functioned as designed.

13. On January 14, 2013, ATF SA Rathel confirmed Jones had prior felony convictions for Possession of Crack Cocaine; Possession with Intent to Distribute Marijuana; and Felon in Possession of a Firearm. These convictions prohibited Jones from possessing firearms and ammunition.

14. On March 4, 2013, ATF SA Richard Brown conducted an interstate nexus investigation for the firearm and ammunition seized from Jones on August 13, 2012. The .380 caliber Smith & Wesson, Model Bodyguard, 380 Pistol bearing serial number EAL7965 and marked with Smith & Wesson Springfield, MA USA, was made in California and Connecticut under contract for Smith & Wesson, located in Springfield, MA. The four cartridges marked with a Hornaday and .380 AUTO headstamp were made by, or under contract for, Hornady Manufacturing Company, located in Grand Island, NE. Based on his investigation, ATF SA Brown concluded that .380 pistol was a firearm as defined in 18 U.S.C. § 921(a)(3) and was not manufactured in the State of South Carolina. ATF SA Brown also concluded the four cartridges were ammunition as defined in 18 U.S.C. § 921(a)(17)(A) and were not manufactured in the State of South Carolina. Finally, ATF SA Brown concluded the firearm and ammunition moved in international and/or interstate travel and therefore traveled in and affected interstate commerce as defined in 18 U.S.C. § 921(a)(2).

15. On March 12, 2013, SLED Fingerprint/AFIS Supervisor Seraphim Hafloglou compared fingerprint cards taken from Alonzo Tarell Jones on December 2, 1999; June 15, 2011; December 29, 2003; November 23, 2004; August 7, 2009; and August 13, 2012. Mr. Hafloglou confirmed the ten print cards were all taken from the same individual, Alonzo Tarell Jones.

16. On March 28, 2013, Julie Dunn, Records Administrator with the SCDPPPS, confirmed as of that date, Jones had not received a pardon.

17. On January 30, 2014, Jones was taken into custody by members of the Sumter Police Department (SPD) on ATF's federal arrest warrant. On January 31, 2014, ATF SA Rathel and ATF Task Force Officer (TFO) Brendan Bansch transported Jones from the Sumter/Lee Regional Detention Center to the ATF Columbia Field Office for booking and processing. During the process of getting Jones ready to leave Sumter/Lee, he repeatedly asked ATF SA Rathel and TFO Bansch questions regarding his arrest status and pending charges. ATF SA Rathel and TFO Bansch both separately told Jones they would discuss the matter with Jones fully once they were in the transport vehicle. Once everyone was situated in the transport vehicle, ATF SA Rathel told Jones he wanted to make sure he (Jones) understood his Miranda rights before they began talking about any aspect of Jones' charges. After ATF SA read Jones his Miranda rights, Jones stated he understood his rights and waived them.

with U.S. Attorney's Office which was actually asking for people like him to be referred to them, we -- I remember having a meeting with the public defenders when I was at the Solicitor's Office. Was, like, hey, this is what's going on, just to make sure that they would tell their clients that like, hey, this is a setup, you're going to end up in federal court, this is not the end of it. Mr. Jones had stated that -- okay, I asked him did Neil ever tell you anything other than, hey, this is a good deal and apparently Neil, his position is Neil had never told him that. So that's what I thought was a big part of the PCR was, in addition to the fact that I just simply called over the city/county police department and asked them if they had the gun, that the gun still in evidence, and would they have transferred it and they'd actually had transferred it, I believe it was before the guilty -- so not only did Neil not tell him that, that -- that it was a setup, Neil didn't tell him like, hey, he didn't have the evidence -- if he had went to trial and if they tried, like I said, hey, this is your gun and he didn't have the gun to put in evidence. So, I mean, that was the -- the purpose of the PCR.

counsel.

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) My plea counsel failed to investigate the facts underlying my charges, specifically whether or not the State actually had possession of the evidence in my case. I have since discovered that the State did not possess the evidence and I would not have pled guilty knowing that there was no evidence.

(b) I was not advised by my plea counsel of the collateral consequences of my guilty plea to a weapons offense, namely that I would be subject to Federal Prosecution from it. I would not have pled guilty had I been made aware of that consequence.

FILED FOR RECORD
2013 APR -8 PM 2:23
CLERK OF COURT
KERSHAW COUNTY, S.C.

(c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) I was arrested on or about August 21, 2012 for charges that involved a firearm. In January of 2013, and agent of the Bureau of Alcohol, Tobacco, and Firearms took custody of the evidence, specifically the firearm involved, from the City of Camden Police Department. I was advised by my counsel at the time of a probationary plea offer that I accepted on April 9, 2013. At no time did my counsel examine the evidence in my case. Had he done so, I would have been made aware of the Federal involvement and would not have pled guilty. I would have also not pled guilty due to the fact that the evidence was not there. At no time was I advised of the collaeral consequences that I faced due to my record, specifically that I could be indicted Federally based upon my guilty plea. I was not advised of any of this, including the status of the evidence until I was, in fact, indicted by the United States Government for this arrest. I have learned subsequent to my Federal Indictment that the State of South Carolina was not in possession of any of the evidence in my case at the time of my plea. I would not have plead guilty and would have proceeded to trial if I had been aware of this. I feel that my counsel was ineffective in his representation of me for those reasons. I also feel that these facts also constitute a discovery and Brady violation in that material exculptory facts, ie the unavailability of the evidence, were not disclosed to me. At no time did I agree to not recieve discovery in this case. I could not have knowingly waived these issues as I was completely unaware of them.

AFFIDAVIT FOR: ALONZO TARELL JONES #70680-053

ALONZO TARELL JONES, UNDER THE PENALTY of PERJURY PURSUANT to TITLE 28 U.S.C. §1746 THAT EVERYTHING SAID IN MOTION to DISMISS CASE IS TRUE AND ALL EXHIBITS AND LETTERS to THE COURT ARE TRUE.

I SIGNED this AFFIDAVIT Alonzo Tarell Jones 7-10-2026

RECEIVED
JUL 27 2026
SC Court of Appeals

JULY 1, 2026

ALONZO TARELL JONES
F.C.I SCHUYLKILL
P.O. BOX 759
MINERSVILLE PA 17954

Alonzo Tarell Jones #70680-053
Federal Correctional Institution Schuylkill
P.O. Box 759
Minersville, PA 17954-0759

Mailed from
Federal Correctional Institution
Schuylkill, PA

*LEGAL*
MAIL

TO Jenny A. Kitchings
Clerk of Court
1220 Senate St.
Columbia S.C. 29201
29201

RECEIVED
JUL 27 2026
Court of Appeals