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**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

SEP 02 2015

SC Court of Appeals

**Appeal from Lexington County
Court of Common Pleas
Honorable William P. Keesley, Judge**

Appellate Case No. 2014-001470

Alfonso Ware Jr.

Petitioner,

v.

The State,

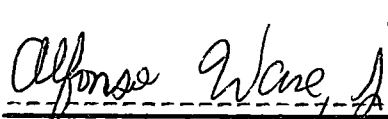
Respondent.

**REPLY TO RESPONDENTS RETURN TO
MOTION TO DISMISS APPEAL WITHOUT PREJUDICE**

Petitioner, renews his 'Motion To Dismiss Without Prejudice'. The Respondents in their Return presented five (5) exhibits that are new to these pleadings. These exhibits support petitioner's request for DNA Testing, and Motion to Dismiss Without Prejudice. Petitioner's pleading are based on the facts that the search for evidence was and is incomplete. While the Order for Release of Evidence dated August 24, 1998, states that evidence was released; who was it released to, and what was released? The Respondents concedes that there is a box of evidence from S.L.E.D.. What was in the box, and who got it? At this point the Respondents are

producing documentation for the first time in these pleadings that support their position. Petitioner does understand what the Application for DNA Testing is, and petitioner does understand what evidence preservation is. From the beginning the Respondents have stated there is nothing, but then through the Freedom Of Information Act S.L.E.D. produces evidence; now the Respondents produce these exhibits for the first time; all of this, supports the petitioner's claim and motion to dismiss without prejudice, to give Judge Keesley the opportunity to review petitioner's motion 59(e).

Respectfully submitted,



Alfonso Ware Jr.

BRCI/Monticello 242; 168464
4460 Broad River Road
Columbia, SC 29210

August 27, 2015
COLUMBIA, SOUTH CAROLINA

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The State,

Respondent.

CERTIFICATE OF SERVICE

Petitioner, declares under the penalty of perjury that he did mail a copy of his Reply To Respondents Return by placing it in the U.S. Mail, clearly addressed as below to all parties.

S.C. COURT OF APPEALS
Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

Office of the Attorney General
Alan Wilson, Attorney General
c/o Donald J. Zelenka, Esquire
Post Office Box 11549
Columbia, SC 29211

Eleventh Circuit Solicitor's Office
Donald V. Myers, Solicitor
205 East Main Street, Suite 309
Lexington, SC 29072

Alfonso Ware Jr.

Alfonso Ware Jr.
BRCI/Monticello 242; 168464
4460 Broad River Road
Columbia, SC 29210

August 27, 2015
COLUMBIA, SOUTH CAROLINA

Alfonso Ware Jr.
BRCI/Monticello 242; 168464
4460 Broad River Road
Columbia, SC 29210

August 27, 2015

The S.C. Court of Appeals
Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Alfonso Ware Jr., v. The State
Appellate Case No. 2014-001470

Dear Ms. Kitchings:

Enclosed you will find a Reply To Respondents Return to Motion To Dismiss Appeal Without Prejudice the original with six (6) copies to be filed, and also a copy to be clock-stamped and returned for my records in the S.A.S.E. please.

I appreciate your assistance in this matter greatly. Thank you very much.

Sincerely,



Alfonso Ware Jr

cc: Alan Wilson, Esquire
Donald J. Zelenka, Esquire
Donald V. Myers, Esquire
File

Alfonso Ware Jr.
BRCI/Monticello 242; 168464
4460 Broad River Road
Columbia, SC 29210

August 31, 2015

The S.C. Court of Appeals
Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Alfonso Ware Jr., v. The State
Appellate Case No. 2014-001470

Dear Ms. Kitchings:

I apologize for the delay; my intentions was to have this in the mail on the 27th but the Warden put the institution on lock down because of the 'Fall Packages' that Thursday and Friday, and the prison mailroom was closed.

But enclosed I have everything ready to be filed with your office. I do appreciate your understanding and assistance in this matter greatly. Thank you again so much.

Sincerely,



Alfonso Ware Jr.

cc: Alan Wilson, Esquire
Donald J. Zelenka, Esquire
Donald V. Myers, Esquire
File

ss Ware Jr.
Mon 242, 168464
Broad River Rd.
Columbia, SC 29210



The S.C. Court of Appeals
Jenny A. Kitchings, Clerk
Post Office Box 11629
Columbia, SC 29211

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AUG 31 2015