

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APR 26 2017

Appeal from the Administrative Law Court
The Honorable Deborah B. Durden, Administrative Law Judge
Case No. 16-ALJ-15-0035-AP

SC Court of Appeals

Case No. 2017-000286

Alonzo C. Jeter, III, # 282902.....APPELLANT

V

South Carolina Department of Probation,
Parole and Pardon Services.....RESPONDENT

RECORD ON APPEAL

Alonzo C Jeter, III, # 282902
APPELLANT

Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

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STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo C. Jeter, III, #282902,

Docket No.: 16-ALJ-15-0035-AP

Appellant,

vs.

ORDER

South Carolina Department of Probation,
Parole and Pardon Services,

Respondent.

FILED

JAN 26 2017

STATEMENT OF THE CASE

SC ADMIN. LAW COURT

This matter is before the Administrative Law Court (ALC or Court) pursuant to the appeal of Alonzo Jeter (Appellant), an inmate incarcerated with the South Carolina Department of Corrections. On July 29, 2016, the South Carolina Department of Probation, Parole and Pardon Services (Department) issued a final decision letter determining that the Appellant is ineligible for parole based upon his methamphetamine trafficking conviction. On August 19, 2016, Appellant filed a Notice of Appeal with this Court challenging the Department's decision. Upon careful consideration of the record on appeal and briefs of the parties, the Department's decision is affirmed.

BACKGROUND

Appellant is currently serving five concurrent sentences, all for drug related offenses. In this case, Appellant's parole eligibility is determined by his most severe sentence. Appellant was sentenced to fifteen years under S.C. Code Section 44-53-375(C)(1)(b) on July 16, 2015. On the same day, Appellant was also sentenced to fifteen years pursuant to S.C. Code Section 44-53-375(B)(3), ten years pursuant to S.C. Code Section 44-53-445(A), fifteen years pursuant to SC Code Section 44-53-375(B)(3), and ten years pursuant to S.C. Code Section 44-53-445(A).

ISSUE ON APPEAL

Whether the Department erred in determining that Appellant is ineligible for parole because his offense under SC Code Section 44-53-375(C)(1)(b) falls under the no parole rule.

STANDARD OF REVIEW

The Court's jurisdiction to hear this matter is derived from the South Carolina Supreme Court decisions in Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000) (establishing an administrative review process for inmate appeals), and Furtick v. S.C. Dept. of Prob., Parole &

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Pardon Servs., 352 S.C. 594, 576 S.E.2d 146 (2003) (incorporating final decisions of the Department into that review process). The Al-Shabazz decision explained that “procedural due process is guaranteed when an inmate is deprived of an interest encompassed by the Fourteenth Amendment’s protection of liberty and property.” Wicker v. S.C. Dept. of Corrs., 360 S.C. 421, 424, 602 S.E.2d 56, 58 (2004) (citation omitted). Because being granted parole is a privilege and not a right, the routine denial of parole does not implicate such a liberty interest; however, the denial of eligibility for parole does involve such a liberty interest, and thus is a matter properly before the ALC for review. See James v. S.C. Dept. of Prob., Parole & Pardon Servs., 376 S.C. 392, 395-96, 656 S.E.2d 399, 401-02 (Ct. App. 2008); see also Sullivan v. S.C. Dept. of Corrs., 355 S.C. 437, 443, 586 S.E.2d 124, 127 (2003).

When reviewing a decision of the Department, the ALC sits in an appellate capacity. See Furtick, 352 S.C. at 599, 576 S.E.2d at 149; Al-Shabazz, 338 S.C. at 377, 527 S.E.2d at 754. Under the appellate standard of the Administrative Procedures Act, the court’s review is limited to the record. S.C. Code Ann. § 1-23-380(4) (Supp. 2016). The court may modify or reverse the decision of the agency when substantial rights of the appellant have been prejudiced. S.C. Code Ann. § 1-23-380(5) (Supp. 2016). Substantial rights of the appellant are prejudiced when the agency’s decision, including the agency’s findings, inferences, and conclusions, are in violation of constitutional or statutory provisions; in excess of the statutory authority of the agency; made upon unlawful procedure; affected by other error of law; clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. Id.

DISCUSSION

Appellant argues that the Department has erred in concluding that he is not eligible for parole under the language of Section 44-53-375(C)(1)(b). The Court disagrees. A review of the relevant statutes supports the Department’s determination that Appellant is ineligible for parole.

In determining whether an inmate is eligible for parole, several different statutes must be reviewed. The foundational rules of parole are contained in Title 24 of the South Carolina Code. Specifically, Section 24-21-610 sets the minimum amount of time that must be served of a sentence before an inmate reaches eligibility. See S.C. Code Ann. § 24-21-610 (2007). However, the baseline rules have been modified by other subsequently enacted or amended statutes. Section 24-13-100, enacted in 1995, defines Class A, B, and C felonies as “no parole offenses.” Id. at

§ 24-13-100.¹ When an inmate's crime is a no-parole offense, the inmate is not eligible for "parole" consideration. *Id.* at § 24-21-30; see also *Bolin v. S.C. Dept. of Corrs.*, 415 S.C. 276, 283, 781 S.E.2d 914, 917 (Ct. App. 2016), rehearing denied (Feb. 24, 2016) ("It is without doubt that the statutory definition for the term 'no-parole offense' in section 24-13-100, i.e., 'a class A, B, or C felony . . . ,' simply describes the types of offenses for which the offender is not eligible for parole."). Instead, the inmate must complete a community supervision program. S.C. Code Ann. § 24-21-30 (2007). Unless provided otherwise, an inmate becomes eligible for the community supervision program after completion of at least eighty-five percent of the actual term of imprisonment imposed. *Id.* at § 24-13-150(A) (Supp. 2016). This is known as the "85% rule."

However, this rule for no parole offenses has been modified for certain specific offenses within the language of the sentencing statute. In particular, the legislature has amended certain drug crime sentencing statutes to allow for parole eligibility in certain cases. The Court of Appeals has construed the language of the amendments to repeal the no-parole offense statute insofar as there is a conflict with the more recent and specific amendments. *Bolin*, 415 S.C. at 282, 781 S.E.2d at 917 (citation omitted) ("The legislature's use of the phrase 'Notwithstanding any other provision of law,' in the amendments to sections 44-53-375 and -370 expresses its intent to repeal section 24-13-100 *to the extent* it conflicts with amended sections 44-53-375 and -370." (emphasis in original)). The holding of the Court of Appeals in *Bolin* is very specific and does not repeal the 85% rule in regards to all offenses contained in the statutory sections amended by the legislature.

The subsection of the drug statute that Appellant was sentenced under provides:

(C) A person who knowingly sells, manufactures, delivers, purchases, or brings into this State, or who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of ten grams or more of methamphetamine or cocaine base, as defined and otherwise limited in Section 44-53-110, 44-53-210(d)(1), or 44-53-210(d)(2), is guilty of a felony which is known as "trafficking in methamphetamine or cocaine base" and, upon conviction, must be punished as follows if the quantity involved is:

(1) ten grams or more, but less than twenty-eight grams:

(b) for a second offense, a term of imprisonment of not less than five years nor more than thirty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars[.]

¹ Class A, B, and C felonies are listed in Section 16-1-90. Appellant's offense is a Class A felony.

(F) Sentences for violation of the provisions of subsections (C) or (E) may not be suspended and probation may not be granted. A person convicted and sentenced under subsection (C) or (E) to a mandatory term of imprisonment of twenty-five years, a mandatory minimum term of imprisonment of twenty-five years, or a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years is not eligible for parole, extended work release as provided in Section 24-13-610, or supervised furlough as provided in Section 24-13-710.

S.C. Code Ann. § 44-53-375(C)(1)(b) (Supp. 2016). Appellant's argument is based upon an inference derived from subsection (b). He argues that because parole ineligibility was not explicitly stated, it is by implication not included. Appellant bases his argument on the precept that "to express or include one thing implies the exclusion of another, or of the alternative." State v. Leopard, 349 S.C. 467, 472-73, 563 S.E.2d 342, 345 (Ct. App. 2002). However, this argument ignores, not only the plain language of the statute, but the larger statutory scheme of parole eligibility.

In interpreting a statute, words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. Further, the statute must be read as a whole and sections which are a part of the same general statutory law must be construed together and each one given effect.

Ranucci v. Crain, 409 S.C. 493, 500, 763 S.E.2d 189, 192 (2014) (internal quotation marks and citations omitted). The language in subsection (F) has a plain meaning which gives effect to all relevant portions of the law without rendering any language redundant or absurd or resorting to canons of construction. The "no parole offense" rule applies to all class A, B, and C felonies, including Appellant's. However, some offenses are excluded from the classification system. This includes some of the S.C. Code Section 44-53-375(C) or (E) offenses referenced in subsection (F). S.C. Code Ann. §16-1-10 (2015). Thus, the legislature needed to specifically make these offenses ineligible for parole. Because offenses like Appellant's, which are classified, are already governed by the no parole rule, there is no need for additional, redundant language to be included in the offense-specific statute. Put simply, the drug statute does not include language making Appellant ineligible for parole, because the ineligibility has already been provided for by the no-parole offense statute. Therefore, based on the plain language of the statute the Court concludes that the Department did not err in finding that Appellant is ineligible for parole.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the decision of the Department is **AFFIRMED.**

AND IT IS SO ORDERED.



Deborah Brooks Durden, Judge
S.C. Administrative Law Court

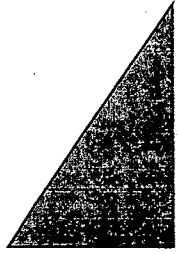
January 26, 2017
Columbia, South Carolina

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this order of the above entitled action upon all parties to this cause by depositing a copy thereof, in the United States mail postage paid, or in the emergency Mail Service addressed to the party(ies) or their attorney(s).

This 26th day of January 2017

By: R. S. Cochran
Judicial Law Clerk



December 20, 2016

Alonzo C. Jeter III

Perry Correctional Institution

Q1-B-215/282902

430 OAKLAWN ROAD

Pelzer, SC 29669

The Honorable Deborah Durden

Judge, Administrative Law Court

1205 Pendleton Street, Suite 224

Columbia, SC 29201

Re: Alonzo C. Jeter, III, # 282902 v. S.C. Department
of Probation, Parole and Pardon Services

Dear Judge Durden:

Please find enclosed for filing, the Reply Brief of Appellant
dated December 20, 2016 along with Proof of Service in the
above referenced case.

Thank you for your cooperation in this matter.

Sincerely,

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~~Alonzo III~~

CC: S.C. Department of Probation
Parole and Pardon Services - Deputy
Director of Legal Services

Alonzo C. Jeter III
Appellant

PROOF OF SERVICE

I, Alonzo C. Jeter III, #282902, hereby certify that I have served Reply Brief of Appellant along with Proof of Service, both dated December 20, 2016 for Docket No. 16P0035 to be filed in the Administrative Law Court of South Carolina, by inserting said documents and a copy of the same within respective envelopes and depositing the same in the United States Mail first class postage prepaid and placed in the hands of the interagency mail service personnel of Perry Correctional Institution for mailing to the addresses listed below which are also written legibly on respective envelopes. I further certify that all parties required by Rule have been served this 20th day of December 2016.

Deputy Director of Legal Services

Judge Deborah Durdan

S.C. Dept. of Probation, Parole and Pardon Services

Administrative Law Court

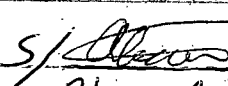
2231 Devine Street, Suite 600

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P.O. Box 50666

Columbia, SC 29201

Columbia, SC 29250

S/  III ✓

Alonzo C. Jeter III

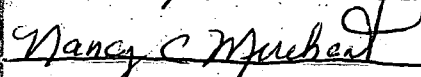
Perry Correctional Institution

430 OAKLAWN ROAD

Pelzer, SC 29669

Subscribed before me

this 20th day of December 2016



Notary Public for South Carolina

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My Commission Expires 1-23-2023

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 16-ALJ-15-0035

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

Alonzo Jeter, III, #282902.....APPELLANT

S.C. DEPARTMENT OF PROBATION, PAROLE
AND PARDON SERVICES.....RESPONDENT

CERTIFICATE OF SERVICE

I, Alonzo C Jeter, III, #282902, hereby certify that I have served the within Reply Brief, dated December 20, 2016, by depositing a copy of the same in the United States mail, postage prepaid, by and through the interagency mail service of Perry Correctional Institution mailroom personel addressed as follows:

Deputy Director of Legal Services
S.C. Dept. of Probation, Parole and Pardon Services
2221 Devine Street, Suite 600
P.O. Box 50666
Columbia, S.C. 29250

I further certify that all parties required by Rule to be served have been served.

Alonzo C. Jeter, III, #282902
APPELLANT

Perry Correctional Institution
430 Oaklawn Road
Pelzer, S.C. 29669

This 20th day of December, 2016
at Pelzer, South Carolina

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STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 16-ALJ-15-0035

APPEAL OF FINAL DECISION
Department of Probation, Parole and Pardon Services

ALONZO JETER, III, #282902.....APPELLANT

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES.....RESPONDENT

APPELLANT'S
REPLY BRIEF

Alonzo C. Jeter, III, #282902
APPELLANT

Perry Correctional Institution
430 Oaklawn Road
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and Sentencing Reform Act of 2010").....4

STATEMENT OF ISSUE ON APPEAL

Did the Department of Probation, Parole and Pardon Services err in determining the Appellant ineligible for parole?

STATEMENT OF THE CASE

Appellant is serving a fifteen year concurrent sentence for the violations of two counts of distribution of methamphetamine second offense, two counts of distribution within a half mile of a school or park and one count of trafficking in ice, crank, or crack between ten and twenty-eight grams, second offense. All current charges resulting from providing an informant with meth on two separate occasions. Appellant had a prior conviction (drug charge) on his record dating back to 2004 for possession of less than a gram of crack. Thus all current convictions were enhanced to second offenses. See S.C. Code of laws 44-53-470.

While housed at Perry Correctional Institution, Appellant was made aware that he had been classified as ineligible for parole due to the conviction of trafficking ice, crank or crack between ten and twenty-eight grams second offense. NOTE: Even though Appellant has never been convicted of a trafficking charge ever before of an drug, the conviction would be enhanced due to S.C. Code of Laws 44-53-470, and in turn would cause it to appear that the Appellant been actually convicted in the past for a trafficking offense.

A letter was then written by applicant and mailed to the Respondent asking the Respondent to take a look and correct the mistake of classifying the Appellant as ineligible for parole. Respondent's reply letter of final decision stated, "You were convicted of trafficking meth which is defined as a "no parole" offense under S.C. Code section 24-13-100." Appellant filed a Notice of Appeal of the decision of the Respondent's letter and findings before the Administrative Law Court dated August 19, 2016.

ARGUMENT

The Department Of Probation, Parole And Pardon Services did in-fact err in determining that the Appellant is not eligible for parole.

The Appellant was sentenced to a fifteen year prison sentence under S.C. Code of Law 44-53-375(c)(1)(b). The Appellant argues that the Respondent did in-fact error in deeming him ineligible for parole. The Appellant bases his argument on the specific statute of the S.C. Code of Laws 44-53-375(c)(1)(b), which states in regards of the sentencing structure, "no part of which may be suspended nor probation granted." The Respondent also bases his argument on S.C. Code of Law 44-53-375(F) which is a precise subsection of the specific statute 44-53-375(c)(1)(b). This precise subsection reiterates, "Sentences for violation of the provisions of subsections (c) or (e) may not be suspended and probation may not be granted." This same precise subsection goes on to read, " A person convicted and sentenced under subsection (c) or (e) to a mandatory term of imprisonment of twenty-five years or a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years is not eligible for parole."

The Appellant argues that he was not sentenced to neither type of sentence that the precise subsection 44-53-375(F) declares as being ineligible for parole as he was sentenced to a fifteen year sentence. The Appellant contends that he is indeed eligible for parole. The Respondent argues that the classification of the Appellant's offense makes him ineligible for parole, and that section 44-53-375(F) of the specific statute does not apply. The Appellant asserts that , actually, the precise subsection 44-53-375 (F) does apply, has to apply and in-fact is very significant and is important in that it ables the Court to realize and remain aware of the legislative intent in regards of parole eligibility for those whom are sentenced under 44-53-375(c) and 44-53-375(E). See Creech v South Carolina Public Service Authority 200 S.C. 127, 20 SE2d 645 (In ascertaining the intent of the Legislature, a court should not focus on any single section or provision, but should consider the language of the statute as a whole).

The Appellant and Respondent both agree that the conviction, trafficking meth second offense is classified as a Class-A felony according to S.C. Code of Law 16-1-90, and that S.C. Code of Laws 24-13-100 defines a "no parole offense" as a Class A,B or C offense. The Appellant contends, that S.C. Code of Laws 24-13-100 is a General statute and that the General statute applies only if the Specific statute does not contain parole specifications. The Respondent agrees. The Appellant argues that by examining S.C. Code of Laws 44-53-375 more closely and in it s entirety, the legislative intent in regards of parole eligibility is discovered in the precise subsection of S.C. Code of Laws 44-53-375(F).

The Appellant also asserts that S.C. Code of Laws 24-13-100 which defines a "no parole offense" as Class A, B, and C offenses was written in 1995 and has never been amended since its enactment. However, S.C. Code of Laws 44-53-375, (the specific statute), has been amended as recent as 2010 and again in 2016. The Appellant emphasizes that the Legislature has had ample amount of time to address any ambiguity which exists within the specific statute. The appellant asserts that this would have been managed by simply deleting the subsection 44-53-375(F) completely from the statute as a whole. The Appellant emphasizes that the Legislature, of course knew this existed, however chose to keep this subsection in place to reveal Legislative intent. The Appellant maintains that the true legislative intent is that not all whom are sentenced under 44-53-375 would be deemed as ineligible for parole. See Bell v S.C. Highway Dept. 204 S.C. 462, 30 SE2d 65 (We must presume that the Legislature was familiar with prior legislation dealing with the same subject matter when it enacted an amendment.

The Appellant avers that the Legislature knew that other precautions with regards to parole and recidivism were in place to harmonize with true legislative intent. The Appellant emphasizes that the Legislature knew that S.C. Code of Laws 24-21-640 exists which reads in relevant part, "The board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for a prior conviction, for violent crimes as defined in section 16-1-60." The Appellant emphasizes, it is clear, if a person is convicted of ANY violent offense and then that person is ever at ANY TIME in the future convicted of another violent offense, the person will be AUTOMATICALLY deemed ineligible for parole. The legislative intent, simple rule of thumb, and mathematics which keeps in mind any "second-chance" legislation, is simply; PRIOR VIOLENT OFFENSE + ANY FUTURE VIOLENT OFFENSE equals = AUTOMATICALLY NO PAROLE. The Appellant emphasizes that this holds true even if any future violent offense permits parole by its specific statute. Regardless, the person will be automatically deemed ineligible for parole. The Appellants emphasizes that the Legislature also knew that S.C. Code of Laws 17-25-45 exists in regards of serious and most serious offenses.

The Appellant asserts that it is the objective of the Legislature to reduce recidivism and to be mindful not to punish low level drug offenders as harshly as would major drug traffickers. The low level offender gets a limited "second-chance" in that he is eligible for parole. However, he would still receive a STRIKE in regards of S.C. of Laws 17-25-45 and will also be and remain affected by S.C. Code of Laws 24-21-640.

The Appellant emphasizes that the Legislature is mindful that a person could be convicted of trafficking second offense, without never actually having been convicted of a trafficking offense ever before. This is due to the language of the Enhancement / Recidivist statute S.C. Code of Laws 44-53-470. According to this statute ANY prior drug offense can enhance and cause this affect. (Note: Appellant's prior conviction of possession of

less than a gram of cocaine for Appellant's personal use and addiction was used NOT to cause Appellant to be convicted for trafficking and therefore sentenced as a second time drug offender, but rather the prior conviction was used to cause Appellant to be convicted as if it were his second time being convicted of trafficking drugs.) Note also: South Carolina has no statute that would simply charge a person as being a second time drug offender, rather S.C. charges and convicts as though the person has previously been convicted of that same particular crime. The Appellant argues that this, again, is why the Legislature chose to keep statute 44-53-375(F) in place.

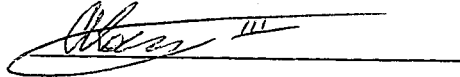
The Appellant contends that to obtain a more in-depth understanding of the intent of the Legislature, the Court must consider and remember the purpose of the South Carolina Laws Act 273, which is often cited as the "Omnibus Crime Reduction and Sentencing Reform Act of 2010." This Act reads, in relevant part, "It is, therefore, the purpose of this Act to reduce recidivism, provide fair and effective sentencing options, employ evidence-based practices for smarter use of correctional funding, and improve public safety." The Appellant emphasizes, the amendments made by this act, the Court should notice that the objective was not to make the drug laws more strict, but was to give more leniency to those who weren't major drug traffickers. The Appellant contends that it is the intent of the Legislature and in harmony with South Carolina Laws Act 273 to, "provide fair and effective sentencing options" and thus is why the precise specific subsection of S.C. Law 44-53-375(F) remains and must also be construed correctly and pursuant to the Rule of Lenity. See Hughes v Edwards 265 S.C. 529, 220 SE2d 231 (Unless there is something in the statute requiring a different interpretation, the words used in a statute must be given their ordinary meaning.) See also, Hair v State 305 S.C. 77, 406 SE2d 332--The Law clearly states that "if two statutes are in conflict, latest statute passed should prevail so as to repeal earlier statute to extent of repugnancy. See also Bolin v South Carolina Dept of Corrections 415 S.C. 276, 781 SE2d 914 which demonstrates also that the latest statute/amendment passed should prevail so as to repeal the earlier statute. Note: S.C. Code of Laws 24-13-100 has now been deemed as unconstitutional and preempted.

The Appellant maintains and emphasizes that he must be deemed and classified as eligible for parole. The Respondent argues that the Bolin case is not significant, however the Appellant disagrees. The Appellant contends that there would not have had to be a Bolin decision if Legislative intent would have been noticed and honored at genesis. The Respondent asserts that the ~~Legislative intent has been there in S.C. Code of Laws 44-53-375(F)~~, Bolin did not create or place the intent there, the Legislature did. 44-53-375(F) has not been disturbed for all of the aforementioned reasons of intent. The Appellant maintains that he is eligible for parole and should be classified as such as this is clearly Legislative intent.

CONCLUSION

Based on the foregoing reasons the Appellant respectfully requests that this Honorable Court reverse and remand to the Parole Board/ South Carolina Department of Probation, Parole and Pardon Services for a meaningful opportunity to be released on Parole by providing Appellant with a parole eligibility classification.

Respectfully Submitted,



Alonzo C. Jeter, III
#282902
APPELLANT

Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Pelzer, South Carolina
December 20, 2016

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



JERRY B. ADGER
Director

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www.state.sc.us/ppp

December 13, 2016

The Honorable Deborah Durden
Judge, Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, S.C. 29201

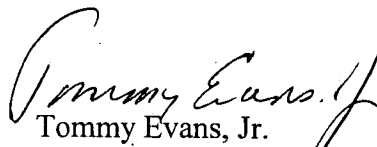
RE: Alonzo Jeter, III, #282902 v. S.C. Department of Probation, Parole and Pardon Services

Dear Judge Durden:

Please find enclosed for filing the *Brief* dated December 13, 2016, along with proof of service in the above referenced case.

Thank you for your cooperation in this matter.

Sincerely,


Tommy Evans, Jr.
Assistant General Counsel

TE:dn

Enclosures

cc: Alonzo Jeter, III, #282902

18

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 16-ALJ-15-0035

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

Alonzo Jeter, III, #282902 APPELLANT

v.

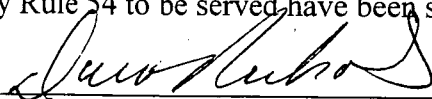
S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES, RESPONDENT

CERTIFICATE OF SERVICE

I, Dawn K. Nichols, Executive Assistant to counsel for Respondent, certify that I have served the within *Brief*, dated December 13, 2016, on Appellant by depositing a copy of the same in the United States mail, postage prepaid, the 13th day of December, 2016, addressed to:

Alonzo Jeter, III, #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

I further certify that all parties required by Rule 54 to be served have been served.



Dawn Nichols
Executive Assistant
South Carolina Department of Probation,
Parole, and Pardon Services
P. O. Box 50666
Columbia, South Carolina 29250

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 16-ALJ-15-0035

APPEAL OF FINAL DECISION
Department of Probation, Parole and Pardon Services

ALONZO JETER, #282902.....APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES.....RESPONDENT

BRIEF OF RESPONDENT

Tommy Evans, Jr.
Assistant General Counsel

**South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 50666
Columbia, South Carolina 29250
(803) 734-9220**

ATTORNEY FOR RESPONDENT

20

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STATEMENT OF ISSUE ON APPEAL

- 1. Did the Department of Probation, Parole and Pardon Services err in their determination of their denial of the Appellant's parole eligibility?**

STATEMENT OF THE CASE

On January 12, 2015, the Appellant sold a quantity of methamphetamine. He was arrested and charged with the offense of trafficking in ice, crank or crack between ten and twenty-eight grams. This sale was done with a half mile of Macedonia Baptist Church playground so he was also charged with distribution with-in a half mile of a park or school. Through their investigation the authorities later determined that the Appellant had a previous drug conviction so this offense was upgraded to a second offense.

On July 16, 2015, the Appellant appeared before the Honorable Lee S. Alford for the offenses of trafficking ice, crank or crack second offense, and distribution within a half mile of a school or park.¹ Upon the conclusion of this appearance the Appellant was sentenced to a fifteen year period of incarceration for trafficking ice, crank, or crack; and, ten years for distribution within a half mile of a school or park.

Prior to possibly becoming eligible for parole the Respondent decided to conduct an investigation to determine parole eligibility. During this investigation it was discovered that this was a trafficking second offense which is classified as an A-Felony, this makes the Appellant not eligible for parole. The Appellant was notified on July 29, 2016, that he was not eligible for parole due to the classification of this offense.

Upon receiving this notification the Appellant decided to file a notice of appeal before the Administrative Law Court (ALC). Within this appeal the Appellant argues that he should be eligible for parole due to the statute not stating specifically that parole cannot be given for this offense. The Appellant also argues that pursuant to the Bolin decision the Court of Appeals determined he should be eligible for parole. The Respondent will argue that pursuant to South

¹ On this day the Appellant also appeared before the Court for the two counts of distribution of methamphetamine second offense; and two more counts of distribution within a half mile of a school or park.

Carolina law the Appellant is not eligible for parole due to the classification of the offense he was convicted of committing; and the Bolin decision does not apply to the current offense.

1. The Respondent did not err in determining that the Appellant is not eligible for parole due to his drug conviction.

The Appellant argues that he should be eligible for parole due to subsection (F) of Section 44-53-375 of the South Carolina Code of Laws which state:

Sentences for violation of the provisions of subsections (C) or (E) may not be suspended and probation may not be granted. A person convicted and sentenced under subsection (C) or (E) to a mandatory term of imprisonment of twenty-five years or a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years is not eligible for parole extended work release as provided in Section 24-13-610, or supervised furlough as provided in Section 24-13-710.

S.C. Code Ann. §44-53-375(F)(Supp. 2015).

The Appellant argues that since he was not sentenced to a mandatory twenty-five years or to a mandatory minimum of twenty-five years he should be eligible for parole. He argues that the General Assembly intended for him to become eligible for parole that is why it is not stated within the statute that he is ineligible for parole. The Respondent argues that this portion of the statute does not apply, and the classification of his offense makes him ineligible for parole.

Pursuant to South Carolina law the offense of trafficking ice, crack, or crank second offense carries a maximum penalty of thirty years which classifies this as an A-Felony. *See*, S.C. Code Ann. §16-1-90. Since this offense is classified as an A-felony is a “no parole” offense.² Since this is a no parole offense the Appellant cannot be released from incarceration until he has completed

² For purposes of definition under South Carolina law a “no parole offense” means a class A, B, or C felony or an offense exempt from classification as enumerated in Section 16-1-10(d), which is punishable by a maximum term of imprisonment for twenty years or more. S.C. Code Ann. §24-13-100(Supp. 1996)

at least 85% of his sentence.³ It is clear by the statute the General Assembly did not wish any prisoner convicted of an A-Felony be released from incarceration until the completion of at least eighty-five percent of their sentence. Unlike an individual who have committed the offense of possession with intent to distribute second offense, or distribution second offense who are given parole eligibility by statute, there exist no statute that allows any prisoner convicted of trafficking second parole eligibility.

The Appellant argues that pursuant to the Bolin decision the Appellant should be allowed parole eligibility. The present case is not identical to Bolin so the denial of parole is legitimate. Pursuant to Bolin v. S.C. Dept. of Corrections, 415 S.C. 276, 781 S.E.2d 914 (2015) the Court of Appeals decided:

Defendant's convictions for second-offense conspiracy to manufacture methamphetamine were no longer no-parole offenses, for which defendant was required to serve 85% of the sentence before being eligible for parole, following effective date of Omnibus Crime Reduction and Sentencing Reform Act, even though the Act does not amend definition of the term "no parole offense" in statute describing types of offenses for which offender was not eligible for parole, were Act amended separate statutory provision to indicate that, "notwithstanding any other provision of law," a person convicted and sentenced as first or second offender pursuant to that subsection was eligible for parole.

Bolin, at 276

In Bolin the Court specifically stated they are not amending the term "no parole offense" just if it states differently by statute a prisoner can be eligible for parole.

³ Notwithstanding any other provision of law, except in a case in which the death penalty or a term of life imprisonment is imposed, a prisoner convicted of a "no parole offense" as defined in Section 24-13-100 and sentenced to the custody of the Department of Corrections, including a prisoner serving time in a local facility pursuant to a designated facility agreement authorized by Section 24-3-20 is not eligible for early release, discharge, or community supervision as provided in Section 24-21-560, until the prisoner has served at least eighty-five percent of the actual term of imprisonment imposed. S.C. Code Ann. §24-13-150(Supp. 2015).

The Court in Bolin made a second offense not an 85% offense, this is due to the statute allowing an inmate sentenced to a second offense parole eligibility.⁴ The Appellant is currently serving a sentence of trafficking of ice, crank or crack second offense, which is classified as an A-felony make this a “no parole offense,” Bolin does not apply.

The statute is clear an inmate convicted of an A-felony is not eligible for parole. Word must be given their plain and ordinary meaning without restoring to subtle to forced construction which limits or expands the statute’s operation. Rowe v. Hyatt, 321 S.C. 366, 369, 468 S.E.2d 649, 650 (1996). Within the statute it is clear that an inmate convicted of an offense that is classified as an A-Felony cannot be allowed parole. If the legislature wished individuals convicted of trafficking second parole eligibility they would allowed these individuals parole as they do for individuals who have been convicted of distribution or possession with intent distribute second offense.

In reading the statute it is clear that the legislature wished all prisoners convicted of an A-Felony not be given parole eligibility. If the legislature wished all individual who have committed a drug offense parole eligibility the statute would allowed for parole for all drug offenses. However, it is clear that only certain drug crimes are allowed parole eligibility and trafficking in ice, crank, or crack second offense is not one of those offenses.

The legislature never intended individuals sentenced to trafficking in ice, crank or crack second offense to become eligible for parole, if so the statute would have allowed this. Courts should consider not merely the language of the particular clause being construed, but the word and its meaning in conjunction with the purpose of the whole statute and the policy of the law. Whitner

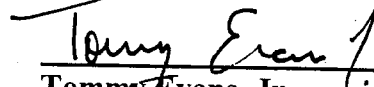
⁴ “a person convicted and sentenced pursuant to this subsection for a first offense or second offense may have the sentence suspended and probation granted, and eligible for parole, supervised furlough, community supervision, work release, work credits, education credits, and good conduct credits.” S.C. Code Ann. §44-53-375(B)(2)(Supp. 2015).

v. State, 328 S.C. 1, 16, 492 S.E.2d 777, 779 (1997). A law must be interpreted reasonably and practically, consistent with the purpose and policy of the General Assembly. Abell v. Bell, 229 S.C. 1, 4, 91 S.E.2d 548, 550 (1956) It is clear by the reading of the statute parole is not allowed for an individual convicted of committing an A-Felony. The statute is clear, when a person commits a A, B, or C felony it is be considered a “no parole offense,” so an inmate cannot be released from incarceration until they completed at least 85% of their sentence. If a statute’s language is plain and unambiguous, and conveys a clear and definite meaning, there is no need to employ rule of statutory interpretation, and the court has no right to look for, or impose another meaning. Pachal v. State Election Comm’n, 317 S.C. 434, 454 S.E.2d 890, 892 (1995). The terms of the statute are clear, no individual who have committed an A-Felony is allowed parole eligibility. The Appellant was convicted of trafficking in ice, crank, or crack second offense, an offense that carries a maximum punishment of thirty years. This offense is classified as an A-Felony which causes the denial of parole eligibility. When the terms of a statute are clear, the court must apply those terms according to their literal meaning. Cooper v. Moore, 351 S.C. 207, 212, 569 S.E.2d 330, 332 (2002).

CONCLUSION

Based on the foregoing reasons the Respondent respectfully requests this appeal be dismissed or the final decision of the South Carolina Department of Probation, Parole, and Pardon Services denying the Appellant parole eligibility be affirmed.

Respectfully submitted,



Tommy Evans, Jr.
Assistant General Counsel

South Carolina Department of Probation,
Parole and Pardon Services
P.O. Box 50666
Columbia, South Carolina 29250
(803) 734-9220

Columbia, South Carolina
December 13, 2016

PROOF OF SERVICE

I, Alonzo C Jeter III, #282902, hereby certify that I have served Brief of Appellant along with Proof of Service dated November 2, 2016 for Docket No. 16P0035 to be filed in the Administrative Law Court of South Carolina, by inserting said documents and copy of the same in respective envelopes and depositing the same in the United States Mail first class postage prepaid and placed in the hands of the interagency mail service personnel of Perry Correctional Institution for mailing to the addresses listed below which are also written legibly on respective envelopes. I further certify that all parties have been served this 2nd day of November 2016.

Deputy Director of Legal Services
SC Dept. of PPS
2221 Devine Street, Suite 600
P.O. Box 50666
Columbia, SC 29250

Judge Durden
Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201

SWORN to and Subscribed before me
this 2nd day of November, 2016

Nancy C. Murchant

Notary Public for South Carolina

MY Commission Expires 1-23-2023

Alonzo C Jeter III
Alonzo C Jeter III
Perry Correctional Institution
430 OAKLAWN ROAD
Pelzer, SC 29669

RECEIVED

NOV 02 2016

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket No. 16P0035

Appeal of Final Decision
Department of Probation, Parole and Pardon Services

Alonzo C Jeter III, # 282902 Appellant

v

SC Department of Probation
Parole and Pardon Services Respondant

BRIEF OF APPELLANT

Alonzo C Jeter III
Alonzo C Jeter III, # 282902
Appellant

RECEIVED

NOV 02 2016

P.C.I. MAILROOM

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Hodges v Rainey, 341 sc 74, 86, 533 SE.2d 578, 582 (2000)

State v Blackmon, 304 sc 270, 403 SE.2d 660 (1991)

Bolin v South Carolina Dept of Corrections, 415 sc. 276,
781 SE.2d 914 (2015)

Denman v City of Columbia, 387 sc. 131, 691 SE.2d 465 (2010)

US v Bormes, 133 s.ct. 12 (2012)

Kerr v State, 345 sc. 183, 547 SE.2d 494 (2001)

Bryant v State, 384 sc. 525, 529, 683 SE.2d 280, 282 (2009)

STATUTES

24-13-100

44-53-375 (C)(1)(b)

44-53-375(F)

16-1-60

16-1-90

44-53-375

STATEMENT OF ISSUES ON APPEAL

Did the Department of Probation, Parole and Pardon Services error in classifying the Appellant as ineligible for Parole?

STATEMENT OF THE CASE

Appellant was indicted at the 2015 term at Cherokee County Grand Jury for (2) counts of distribution, etc of methamphetamine 2nd Offense, (2) counts distribute, sell, manufacture or PWID of controlled substance near school, and (1) Count of Trafficking in Ice, Crank or crack 10 grams or more but less than 28 grams 2nd Offense. Appellant plead guilty to all charges on July 16, 2015 and was sentenced to 15 years concurrent. Upon being housed at Perry Correctional Institution, Appellant became aware that he was classified as being ineligible for parole. Appellant then sent a letter to Respondant asking that the Respondant take a look at the classification and correct the problem. Respondant replied by sending a letter of final decision dated July 29, 2016 to Appellant which stated, "You were convicted of trafficking meth which is defined as a "No Parole" offense under S.C Code Section 24-13-100. This section is more commonly referred to as the 85% rule. Therefore, you will be required to serve at least 85% of your sentence before release to community supervision."

ARGUMENT

Appellant filed a Notice of Appeal with the Administrative Law Court dated August 19, 2016, asserting that he should not be deemed ineligible for parole. In letter of final decision, the Respondant refers to South Carolina Code Section 24-13-100 which defines a "No Parole Offense" as offenses that are classified as Class A, B, or C Felonies. Recognizing this statute, Appellant asserts that 24-13-100 is a general statute. However, the specific statute which is 44-53-375(C)(1)(b) does not specify Trafficking Methamphetamine 10 grams or more but less than 28 grams. 2nd offense to be none parolable. Appellant contends that the specific statute 44-53-375(C)(2)(b) does, however, specify "no part of which may be suspended nor probation granted". As noted in Duke Power Co. v. South Carolina Public Service Com'n, 284 S.C. 81, 326 S.E. 2d 395 (1985) laws giving specific treatment to a given situation take precedence over general laws on the same subject.

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Appellant argues that by examining statute 44-53-375 more closely and in its entirety, the legislative intent is found in 44-53-375 (F).

There the legislative intent becomes clear and unambiguous as it states, "Sentences for violation of the provisions of subsection (C) or (E) may not be suspended and probation may not be granted. A person convicted and sentenced under subsection (C) or (E) to a mandatory term of imprisonment of twenty-five years, a mandatory minimum term of twenty-five years or a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years is not eligible for parole, extended work release as provided in section 24-13-610, or supervised furlough as provided in section 24-13-710." There in 44-53-375(F) the parole issue is specifically addressed which also illuminates the legislative intent. See *State v. Leopard*, 349 S.C. 467, 563 S.E.2d 342 (2002). It is, of course, a general principle of statutory construction that the mention of one thing implies the exclusion of another. See also *Hodges v. Rainey*, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) (the canon of construction "expressio unius est exclusio alterius" or "inclusio unius est exclusio alterius" holds that "to express or include one thing implies the exclusion of another or of the alternative.") Appellant argues that applying

expressio unius est exclusio alterius, it is found that both statutes, 44-53-375 (C) (1)(b) and 44-53-375 (F) agree as to allow parole for one whom has been convicted of 44-53-375, unless he/she has been sentenced to a mandatory term of imprisonment of twenty-five years, a mandatory minimum term of twenty-five years or a mandatory minimum term of imprisonment of not less than twenty-five years nor more than thirty years.

As with any statute that is penal in nature, a court must construe the parole statute strictly in favor of the defendant and against the state. *State v. Blackmon*, 304 S.C. 270, 403 S.E. 2d 660 (1991). Construing this penal statute strictly against the state as the court must, it is found that Appellant is parole eligible.

Appellant also contends that statute 24-13-100 which defines a "No Parole Offense" as an offense that has been classified as a class A, B, or C Felony has been found to be unconstitutional and pre-empted by the rulings in the case of *Bolin v. South Carolina Dept. of Corrections*, 415 S.C. 276, 781 S.E. 2d 914 (2015).

In this case the more specific statute 44-53-375 (B) was considered an exception to the general statute 24-13-100 even though manufacturing is classified as a violent crime according to 16-1-60 and a Class A Felony according to 16-1-90. In statute 44-53-375(F) the legislative intent became even more specific and in agreement with 44-53-375(C)(1)(b). Appellant asserts that 44-53-375 is a more recent statute. See *Denman v City of Columbia*, 387 S.C. 131, 691 S.E.2d 465 (2010), where two statutes are in conflict, the more recent and specific statute should prevail so as to repeal the earlier, general statute. See also *US v Bormes* 133 S.Ct. 12 (2012), a precisely drawn, detailed statute pre-empts more general remedies. Also as noted in *Kerr v State*, 345 S.C. 183, 547 S.E.2d 494 (2001), when the terms of the statute are clear and unambiguous, the court must apply them accordingly to their literal meaning without resort to subtle or forced construction to limit or expand the statute's operation. As noted in *Bryant v State* 384 S.C. 525, 529, 683 S.E.2d 280, 282 (2009), The primary rule of statutory construction is to ascertain and give effect to the intent of the legislature.

CONCLUSION

Appellant request that this court reverse the decision of the Department of Probation, Parole and Pardon Services and Remand to the Parole Board for a meaningful opportunity to be released on Parole, providing appellant with a parole eligibility date.

Respectfully Submitted,



Alonzo C Jeter III, # 282902
Appellant
Perry Correctional Institution
430 OAKLAWN ROAD
Pelzer, SC 29669

This 2nd day of November 2016
at Pelzer, South Carolina

STATE OF SOUTH CAROLINA
IN The Administrative Law Court
Docket No. 16P0035

Appeal of Final Decision
Department of Probation, Parole and Pardon Services

Alonzo C Jeter III, # 282902 Appellant

v

S.C. Department of Probation
Parole and Pardon Services Respondant

CERTIFICATE OF SERVICE

I, Alonzo C Jeter III, # 282902, hereby certify that I have served the within Brief of Appellant dated November 2, 2016, on Respondant by depositing a copy of the same in the United States Mail, postage prepaid, in the interagency mail service of Perry Correctional Institution addressed as follows:

Deputy Director of Legal Services
SC Dept of PPS
2221 Devine Street, Suite 600
PO Box 50666
Columbia, SC 29250

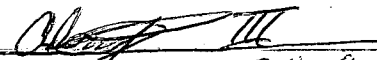
Judge Durden
Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, SC 29201

I further certify that all parties required by Rule to be served have been served.

RECEIVED

NOV 02 2016

P.C.I. MAILROOM


Alonzo C Jeter III, # 282902
Appellant
Perry Correctional Institution
430 OAKLAWN ROAD
Pelzer, SC 29669

This 2nd day of November, 2016
at Pelzer, South Carolina

4/

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



JERRY B. ADGER
Director

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October 14, 2016

The Honorable Deborah Durden
Judge, Administrative Law Court
1205 Pendleton Street, Suite 224
Columbia, S.C. 29201

RE: Alonzo Jeter, III, #282902 v. S.C. Department of Probation, Parole and Pardon Services

Dear Judge Durden:

Please find enclosed for filing the *Record on Appeal* dated October 14, 2016, along with proof of service in the above referenced case.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Tommy Evans, Jr." in a cursive style.

Tommy Evans, Jr.
Assistant General Counsel

TE:dn

Enclosures

cc: Alonzo Jeter, III, #282902

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 16-ALJ-15-0035

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

Alonzo Jeter, III, #282902 APPELLANT

v.

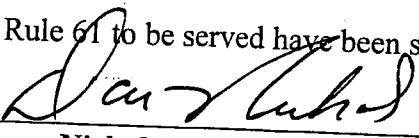
S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES, RESPONDENT

CERTIFICATE OF SERVICE

I, Dawn K. Nichols, Executive Assistant to counsel for Respondent, certify that I have served the within *Record on Appeal*, dated October 14, 2016, on Appellant by depositing a copy of the same in the United States mail, postage prepaid, the 14th day of October, 2016, addressed to:

Alonzo Jeter, III, #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

I further certify that all parties required by Rule 61 to be served have been served.


Dawn Nichols
Executive Assistant
South Carolina Department of Probation,
Parole, and Pardon Services
P. O. Box 50666
Columbia, South Carolina 29250

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 16-ALJ-15-0035

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

Alonzo Jeter, III, #282902 APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES, RESPONDENT

RECORD ON APPEAL

Tommy Evans, Jr.
Assistant General Counsel

**South Carolina Department of Probation,
Parole and Pardon Services
P. O. Box 50666
Columbia, South Carolina 29250
(803) 734-9220**

ATTORNEY FOR RESPONDENT

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State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



JERRY B. ADGER
Director

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July 29, 2016

Alonzo Jeter, III, #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Dear Mr. Jeter:

I am in receipt of your letter dated July 22, 2016, concerning your parole eligibility. According to the South Carolina Department of Corrections Automated Records System, you are serving several sentences for drug convictions. However, in indictment number 15-GS-11-00465, you were convicted of trafficking meth which is defined as a "no parole" offense under South Carolina Code Section 24-13-100. This section is more commonly referred to as the 85% rule. Therefore, you will be required to serve at least 85% of your sentence before release to community supervision.

Thank you for your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan".

Matthew C. Buchanan
General Counsel

MCB:dn

STATE OF SOUTH CAROLINA
 COUNTY OF Cherokee
 STATE VS.
 Alonzo Columbus Jeter III
 AKA:
 Race: BLACK Sex: M Age: 37
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED]
 City, State, Zip: [REDACTED]
 DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#: 2015-GS-11-00461
 A/W#: 2015A1110100230
 Date of Offense: 1/14/2015
 S.C. Code §: 44-53-0375(B)(3)
 CDR Code #: 3200

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Drugs/ Distribution, etc. of methamphetamine, 2nd offense (5-30 years &/OR 0-50K fine)

in violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3199
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) § 17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, Recommendation by the State. 15-100 (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTEST: SAMS, CLIFTON M. 100227 SC Bar# [REDACTED] Defendant
 [REDACTED] Attorney for Defendant 79072 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered
 Total: \$ _____ plus 20% fee: \$ _____

PTUP _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling _____
 Random Drug/Alcohol testing _____
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$ 840
		\$ 238.40

Clerk of Court/ Deputy Clerk: Brenda L. McBea
 Court Reporter: Mike Little
 SCCA/217 (03/2011)

Presiding Judge: [Signature]
 Judge Code: 124
 Sentence Date: 7/16/15

ARREST WARRANT

2015A1110100230

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

THE STATE against

1600226

Alonzo Columbus Jeter, III

Address:

Sex: M Race: B Height: 6 Weight: 155

DL State: SC DL #:

DOB: Agency ORI #: SC0110000

Prosecuting Agency: Cherokee County Sheriff

Prosecuting Officer: Brandon Gardner - 1238

Offense: Drugs/ Distribution, etc. of methamphetamine, 3rd or sub.

Offense Code: 3200

Code/Ordinance Sec: 44-53-0375(B)(3)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Alonzo Columbus Jeter III on 3/31/2015

D Owens 33116 #405 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions 125 E. Floyd Baker Blvd Gaffney, SC 29342

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Personally appeared before me the affiant Brandon Gardner who

being duly sworn deposes and says that defendant Alonzo Columbus Jeter, III

did within this county and state on or about 1/14/2015

State of South Carolina (or ordinance of County/ Municipality of Cherokee) violate the criminal laws of the in the following particulars:

DESCRIPTION OF OFFENSE: Drugs/ Distribution, etc. of methamphetamine, 3rd or sub.

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 on January 14, 2015, in the county of Cherokee, one Alonzo Columbus Jeter III did commit the crime of Drugs/ Distribution, etc. of methamphetamine in that he did distribute Methamphetamine. Incident occurred at 100 Malone Rd in the County of Cherokee. Warrant is based on investigation of the Cherokee County Sheriff's Office and incident report # 1500226.

ORIGINAL

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee.

Affiant's Address 312 E. Frederick St. Gaffney, SC 29340-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF 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 or about 1/14/2015 defendant Alonzo Columbus Jeter, III

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Cherokee) as set forth below:

DESCRIPTION OF OFFENSE: Drugs/ Distribution, etc. of methamphetamine, 3rd or sub.

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 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 3/30/2015

Signature of Issuing Judge Robert Howell (L.S.) Judge's Address Cherokee Magistrate's Court Gaffney, SC 29342

Judge's Telephone (864)487-2533

Judge Code: 5882

Issuing Court: Magistrate/ Municipal/ Circuit

ORIGINAL

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STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on _____, the
Grand Jurors of Cherokee County present upon their oath:

DISTRIBUTION OF METHAMPHETAMINE

That Alonzo Columbus Jeter III, did in Cherokee County on or about January 14, 2015, manufacture, distribute, dispense, deliver, purchase, aid, abet, attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or possess with intent to manufacture, distribute, dispense, deliver, or purchase a quantity of Methamphetamine, a schedule II controlled substance under provisions Code § 44-53-375, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended, such distribution not having been authorized by law.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

2015A1110100230

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

15-05-11-00461
DOCKET NO.

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 12 2015

TERM

THE STATE

vs.

ALONZO COLUMBUS JETER III

Indictment for

DISTRIBUTION OF METHAMPHETAMINE

SC Code: 44-53-375

550

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS.
Alonzo Columbus Jeter III
Race: BLACK Sex: M Age: 37
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2015-GS-11-00462
A/W#: 2015A1110100231
Date of Offense: 1/14/2015
S.C. Code §: 44-53-0445(A)
CDR Code #: 0107

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school (0-10 years &/OR 0-10,000 fine)
Convicted of or PLEADS

in violation of § 44-53-0445(A) of the S.C. Code of Laws, bearing CDR Code # 0107
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST: SAMS, CLIFTON M. SC Bar# 100007 Defendant
Attorney for Defendant SC Bar# 79072

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$, plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS
PTUP days/hours Public Service Employment

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCJA Surcharge) \$5, 3% to County (if paid in installments) \$8.40, TOTAL \$2388.40

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Brandi McBrine
Court Reporter: Mil Watts
SCCA/217 (03/2011)

Presiding Judge
Judge Code:
Sentence Date: 7/16/15

10 51

ARREST WARRANT

2015A1110100231

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

THE STATE

1500226

against

Alonzo Columbus Jeter, III

Address:

Phone:

SSN:

Sex: M Race: B Height: 6 Weight: 155

DL State: SC DL #:

DOB: Agency ORI #: SC0110000

Prosecuting Agency: Cherokee County Sheriff

Prosecuting Officer: Brandon Gardner -1238

Offense: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

Offense Code: 0107

Code/Ordinance Sec: 44-53-0445(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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

Alonzo Columbus Jeter III

3-31-2015

D. Owens 33116 18405

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
125 E. Floyd Baker Blvd
Gaffney, SC 29342

ORIGINAL

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STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant Brandon Gardner who being duly sworn deposes and says that defendant Alonzo Columbus Jeter, III

did within this county and state on or about 1/14/2015

State of South Carolina (or ordinance of County/ Municipality of Cherokee) violate the criminal laws of the in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

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 on January 14, 2015 in the county of Cherokee, one Alonzo Columbus Jeter III did within one-half mile of a playground located at Macedonia Baptist Church distribute Methamphetamine, a scheduled controlled substance. Incident occurred at 100 Malone Rd in the county of Cherokee, and is based on investigation of the Cherokee County Sheriff's Office and incident report # 1500226.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Affiant's Address 312 E. Frederick St.
Gaffney, SC 29340-

Affiant's Telephone

ORIGINAL

ARREST WARRANT

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

appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/14/2015 defendant Alonzo Columbus Jeter, III

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Cherokee) as set forth below.

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

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 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 3/30/2015

Signature of Issuing Judge

Robert Howell

Judge Code: 5882

Judge's Address Cherokee Magistrate's Court
Gaffney, SC 29342

Judge's Telephone (864)487-2533

Issuing Court: Magistrate Municipal Circuit

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on 14/12/15 the
Grand Jurors of Cherokee County present upon their oath:

DISTRIBUTION OF METHAMPHETAMINE
WITHIN ONE-HALF MILE OF PARK/SCHOOL

That Alonzo Columbus Jeter III, did in Cherokee County on or about
January 14, 2015, distribute, sell, purchase, manufacture, or unlawfully possess
with intent to distribute, a controlled substance, to wit: A quantity of
Methamphetamine, a schedule II controlled substance, within one-half mile of
Macedonia Baptist Church playground, South Carolina, such distribution not
have been authorized by law, in violation of § 44-53-445, CODE OF LAWS OF
SOUTH CAROLINA, (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.



ASSISTANT SOLICITOR

WITNESSES

Cherokee County Sheriff's Office

ARREST WARRANT

2015A1110100231

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.
15-GS-11-00462

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 12 2015

TERM

THE STATE

vs.

ALONZO COLUMBUS JETER III

Indictment for

DISTRIBUTION OF METHAMPHETAMINE
WITHIN ONE-HALF MILE OF PARK/SCHOOL

SC Code: 44-53-445

9
54

STATE OF SOUTH CAROLINA

COUNTY OF Cherokee
STATE VS.
AKA: Alonzo Columbus Jeter III
Race: BLACK Sex: M Age: 37
DOB: [redacted] SS#: [redacted]
Address: [redacted]
City, State, Zip: [redacted]
DL#: [redacted] SID#: [redacted]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015-GS-11-00163
A/W#: 2015A1110100233
Date of Offense: 1/12/2015
S.C. Code §: 44-53-0375(B)(3)
CDR Code #: 3200

SENTENCE SHEET

*CDL Yes [] No [] CMV Yes [] No [] Hazmat Yes [] No []

In disposition of the said indictment comes now the Defendant who was

TO: Drugs/ Distribution, etc. of methamphetamine, 2nd offense (5-30 years &/OR 0-50K fine)
[] CONVICTED OF or [X] PLEADS

in violation of § 44-53-0375(B)(3) of the S.C. Code of Laws, bearing CDR Code # 3199
[X] NON-VIOLENT [] VIOLENT [X] SERIOUS [] MOST SERIOUS

The charge is: [] As Indicted, [X] Lesser Included Offense, [] Defendant Waives Presentment to Grand Jury, [] Mandatory GPS(CSC w/minor 1st or Lewd Act) [] §17-25-45
The plea is: [] Without Negotiations or Recommendation, [X] Negotiated Sentence, [] Recommendation by the State. (defendant's initials) 15 year

ATTEST: SAMS, CLIFTON M. SC Bar# 100227 Defendant
[Signature] Attorney for Defendant SC Bar# 79072

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections, [] County Detention Center,
for a determinate term of 15 days/months/years or [] under the Youthful Offender Act not to exceed [] years
and/or to pay a fine of \$ []; provided that upon the service of [] days/months/years and/or payment
of \$ []; plus costs and assessments as applicable*; the balance is suspended with probation for []

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

[X] CONCURRENT or [] CONSECUTIVE to sentence on:
[X] The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
[] The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
[] RESTITUTION: [] Deferred [] Def. Waives Hearing [] Ordered PTUP
Total: \$ [] plus 20% fee: \$ []
Payment Terms: [] days/hours Public Service Employment

[] Set by SCDPPPS
Recipient: [] Obtain GED []
Attend Voc. Rehab. or Job Corp. []
May serve W/E beginning []
Substance Abuse Counseling []
Random Drug/Alcohol testing []
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ [] beginning []
\$ [] paid to Public Defender Fund
Other: []

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCJA Surcharge) \$5, 3% to County (if paid in installments) \$8.40, TOTAL \$788.40

[] Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk [Signature]
Court Reporter: [Signature]
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2143
Sentence Date: 2/16/15

ARREST WARRANT

2015A1110100233

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

THE STATE against

Alonzo Columbus Jeter, III

Address: [Redacted]

Phone: [Redacted] SSN: [Redacted]

Sex: M Race: B Height: 6 Weight: 155

DL State: SC DL #: [Redacted]

DOB: [Redacted] Agency ORI #: SC0110000

Prosecuting Agency: Cherokee County Sheriff

Prosecuting Officer: Brandon Gardner - 1238

Offense: Drugs/ Distribution, etc. of methamphetamine, 3rd or sub.

Offense Code: 3200

Code/Ordinance Sec: 44-53-0375(B)(3)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Alonzo Columbus Jeter on 3/21/2015

D. Owens 29116 #405 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions 125 E. Floyd Baker Blvd Gaffney, SC 29342

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Personally appeared before me the affiant Brandon Gardner

being duly sworn deposes and says that defendant Alonzo Columbus Jeter, III

did within this county and state on or about 1/12/2104

State of South Carolina (or ordinance of County/ Municipality of Cherokee

DESCRIPTION OF OFFENSE: Drugs/ Distribution, etc. of methamphetamine, 3rd or sub.

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 on January 12, 2015, in the county of Cherokee, one Alonzo Columbus Jeter III did commit the crime of Drugs/ Distribution, etc. of Methamphetamine in that he did distribute Methamphetamine. Incident occurred at 100 Malone Rd in the County of Cherokee. Warrant is based on investigation of the Cherokee County Sheriff's Office and incident report #1500183.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Affiant's Address 312 E. Frederick St.

Gaffney, SC 29340-

Affiant's Telephone

ORIGINAL

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF 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 or about 1/12/2104

defendant Alonzo Columbus Jeter, III

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Cherokee

) as set forth below.

DESCRIPTION OF OFFENSE: Drugs/ Distribution, etc. of methamphetamine, 3rd or sub.

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 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 3/30/2015

Signature of Issuing Judge Robert Howell (L.S.)

Robert Howell

Judge Code: 5882

Judge's Address Cherokee Magistrate's Court

Gaffney, SC 29342

Judge's Telephone (864)487-2533

Issuing Court: Magistrate Municipal Circuit

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Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

ORIGINAL

AFFIDAVIT

95 11

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on _____ the
Grand Jurors of Cherokee County present upon their oath:

DISTRIBUTION OF METHAMPHETAMINE

That Alonzo Columbus Jeter III, did in Cherokee County on or about January
12, 2015, manufacture, distribute, dispense, deliver, purchase, aid, abet,
attempt or conspire to manufacture, distribute, dispense, deliver or purchase, or
possess with intent to manufacture, distribute, dispense, deliver, or purchase a
quantity of Methamphetamine, a schedule II controlled substance under
provisions Code §44-53-375, *THE CODE OF LAWS OF SOUTH CAROLINA, (1976)*, as
amended, such distribution not having been authorized by law.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.



ASSISTANT SOLICITOR

12 57

WITNESSES

Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

2015A1110100233

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **15-GS-11-00463**

The State of South Carolina

County of Cherokee

Barry Bannette, Solicitor

COURT OF GENERAL SESSIONS

MAY 2 2015

TERM

THE STATE

vs.

ALONZO COLUMBUS JETER III

Indictment for

DISTRIBUTION OF METHAMPHETAMINE

SC Code: 44-53-375

13 SB

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS.
Alonzo Columbus Jeter III
AKA:
Race: BLACK Sex: M Age: 37
DOB:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2015-GS-11-0046A
A/W#: 2015A1110100234
Date of Offense: 1/12/2015
S.C. Code § : 44-53-0445(A)
CDR Code #: 0107

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school (0-10 years &/OR 0-10K fine)
CONVICTED OF or PLEADS

in violation of § 44-53-0445(A) of the S.C. Code of Laws, bearing CDR Code # 0107
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
ATTEST: SAMS, CLIFTON M. SC Bar# 100007 Defendant Attorney for Defendant 79072 SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ plus 20% fee: \$
PTUP days/hours Public Service Employment

Payment Terms:
Set by SCDPPPS
Recipient:

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Table with 2 columns: Description and Amount. Rows include various surcharges like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$ 8.40, TOTAL \$ 288.40

Clerk of Court/ Deputy Clerk Brandi L. McBean
Court Reporter: Mike Harts
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 72112
Sentence Date: 7/16/15

14 59

ARREST WARRANT

2015A1110100234

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

THE STATE

1600183

against

Alonzo Columbus Jeter, III

Address:

Phone:

Sex: M Race: B Height: 6 | Weight: 155

DL State: SC DL #:

DOB: Agency ORI #: SC0110000

Prosecuting Agency: Cherokee County Sheriff

Prosecuting Officer: Brandon Gardner 1238

Offense: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

Offense Code: 0107

Code/Ordinance Sec: 44-53-0445(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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant:

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
125 E. Floyd Baker Blvd
Gaffney, SC 29342

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Personally appeared before me the affiant Brandon Gardner

being duly sworn deposes and says that defendant Alonzo Columbus Jeter, III

did within this county and state on or about 1/12/2104

violate the criminal laws of the

State of South Carolina, (or ordinance of County/ Municipality of Cherokee

in the following particulars:

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

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 on January 12, 2104 in the county of Cherokee, one Alonzo Columbus Jeter III did within one-half mile of a playground located at Macedonia Baptist Church distribute Methamphetamine a scheduled controlled substance without authority to do so. Incident occurred at 100 Malone Rd in the County of Cherokee. Warrant is based on investigation of the Cherokee County Sheriff's Office and incident report #1500183

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Affiant's Address 312 E. Frederick St.

Gaffney, SC 29340-

Affiant's Telephone

ORIGINAL

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF 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 or about 1/12/2104 defendant Alonzo Columbus Jeter, III

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Cherokee

as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Distribute, sell, manuf. or pwid, of cont. sub., near school

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 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 3/30/2015

Signature of Issuing Judge

Robert Howell

Judge Code: 5882

Judge's Address Cherokee Magistrate's Court

Gaffney, SC 29342

Judge's Telephone (864)487-2533

Issuing Court: Magistrate Municipal Circuit

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STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on _____ the
Grand Jurors of Cherokee County present upon their oath:

DISTRIBUTION OF METHAMPHETAMINE
WITHIN ONE-HALF MILE OF PARK/SCHOOL

That Alonzo Columbus Jeter III, did in Cherokee County on or about January 12, 2015, distribute, sell, purchase, manufacture, or unlawfully possess with intent to distribute, a controlled substance, to wit: A quantity of Methamphetamine, a schedule II controlled substance, within one-half mile of Macedonia Baptist Church playground, South Carolina, such distribution not have been authorized by law, in violation of § 44-53-445, CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

16 61

WITNESSES

Cherokee County Sheriff's Office

ARREST WARRANT

2015A1110100234

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **15-GS-11-0046A**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

MAY 12 2015

TERM

THE STATE

vs.

ALONZO COLUMBUS JETER III

Indictment for

DISTRIBUTION OF METHAMPHETAMINE
WITHIN ONE-HALF MILE OF PARK/SCHOOL

SC Code: 44-53-445

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Cherokee
STATE VS.
Alonzo Columbus Jeter III
AKA:
Race: BLACK Sex: M Age: 37
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#:

INDICTMENT/CASE#: 2015-GS-11-00465
A/W#: 2015A1110100235
Date of Offense: 1/15/2015
S.C. Code § 44-53-0375(C)(1)(c)
CDR Code #: 0452

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Drugs / Trafficking in ice, crank or crack - 10 g or more, but less than 28 g - 2nd offense (5-30 days & 50K fine)

in violation of § 44-53-0375(C)(1)(b) of the S.C. Code of Laws, bearing CDR Code # 0451
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State. 15

ATTEST: SAMS, CLIFTON M. SC Bar# 100227 Defendant
Attorney for Defendant 79072 years SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: all counts this date
The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
days/hours Public Service Employment

Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

Table with 3 columns: Description, Amount, Total. Includes items like § 14-1-206 (Assessments 107.5 %), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Del/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114(BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, Proviso 90.5 (SCCJA Surcharge) \$5, 3% to County (if paid in installments) \$, TOTAL \$ 288.40

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk Brandi H. McBe...
Court Reporter: Mike...
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2143
Sentence Date: 7/16/15

18 63

ARREST WARRANT

2015A1110100235

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

THE STATE
against

Alonzo Columbus Jeter, III

Address: [REDACTED]

Sex: M Race: B Height: 6 1 Weight: 155

DL State: SC DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC0110000

Prosecuting Agency: Cherokee County Sheriff

Prosecuting Officer: Brandon Gardner - 1238

Offense: Drugs / Trafficking in ice, crack or crack - 10 g or more, but less than 28 g - 3rd or sub. offense (Fel.,

Offense Code: 0452

Code/Ordinance Sec: 44-53-0375(C)(1)

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 the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant: Alonzo Columbus Jeter III

on 2-21-2015

D. O. [Signature] 2/16/15
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
125 E. Floyd Baker Blvd
Gaffney, SC 29342

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STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Personally appeared before me the affiant Brandon Gardner

being duly sworn deposes and says that defendant Alonzo Columbus Jeter, III

did within this county and state on or about 1/15/2015

State of South Carolina (or ordinance of County/ Municipality of Cherokee

DESCRIPTION OF OFFENSE: Drugs / Trafficking in ice, crack or crack - 10 g or more, but less than 28 g - 3rd or sub. offense (Fel., 25Y to 30Y)

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 on January 15, 2015 in the county of Cherokee, one Alonzo Columbus Jeter III did knowingly sell, manufacture, deliver, bring into this state and/or possess 10 grams or more but less than 28 grams of methamphetamine schedule II controlled substance without authority to do so. Incident occurred at 100 Malone Rd in the county of Cherokee. Warrant is based on investigation of the Cherokee County Sheriff's Office and incident report #1500232

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Cherokee

Affiant's Address 312 E. Frederick St.

Gaffney, SC 29340-

Affiant's Telephone

ORIGINAL

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF 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 or about 1/15/2015

defendant Alonzo Columbus Jeter, III

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Cherokee) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / Trafficking in ice, crack or crack - 10 g or more, but less than 28 g - 3rd or sub. offense (Fel. 25Y to 30Y)

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 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 3/30/2015

[Signature] (L.S.)

Signature of Issuing Judge

Robert Howell

Judge Code: 5882

Judge's Address: Cherokee Magistrate's Court

Gaffney, SC 29342

Judge's Telephone: (864)487-2533

Issuing Court: Magistrate Municipal Circuit

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STATE OF SOUTH CAROLINA)
)
COUNTY OF CHEROKEE)

INDICTMENT

At a Court of General Sessions, convened on _____, the
Grand Jurors of Cherokee County present upon their oath:

TRAFFICKING IN METHAMPHETAMINE

That Alonzo Columbus Jeter III, did in Cherokee County on or about January 15, 2015, knowingly sell, manufacture, deliver, purchase or bring into this State, or did provide financial assistance or did otherwise aid, abet, attempt, or conspire to sell, manufacture, deliver, purchase, or bring into this State, or did knowingly actually or constructively possess, or did knowingly attempt to actually or constructively possess (10) ten grams or more, but less than (28) twenty-eight grams of Methamphetamine, a schedule II controlled substance, in violation of §44-53-375, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

20 65

WITNESSES

Cherokee County Sheriff's Office

ARREST WARRANT NUMBER

2015A1110100235

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. **15-GS-11-00465**

The State of South Carolina

County of Cherokee

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

DATE: 1/7/2015 TERM

THE STATE

vs.

ALONZO COLUMBUS JETER III

Indictment for

TRAFFICKING IN METHAMPHETAMINE

SC Code: 44-53-375

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STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket Number 16-ALJ-15-0035

APPEAL OF FINAL DECISION
Department of Probation, Parole, and Pardon Services

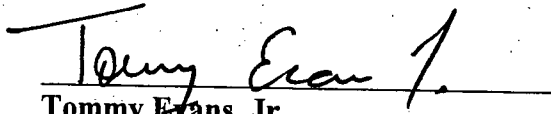
Alonzo Jeter, III, #282902 APPELLANT

v.

S.C. DEPARTMENT OF PROBATION, PAROLE AND
PARDON SERVICES, RESPONDENT

CERTIFICATE OF COUNSEL

The undersigned certifies that this Record on Appeal complies with Rule 61 of the Rules of Procedure for the Administrative Law Court and contains all material proposed to be included in the Record on Appeal by all of the parties and not any other material.


Tommy Evans, Jr.,
Assistant General Counsel

South Carolina Department of
Probation, Parole and Pardon Services
P. O. Box 50666
Columbia, South Carolina 29250
(803) 734-9220

October 14, 2016

STATE OF SOUTH CAROLINA
ADMINISTRATIVE LAW COURT

Alonzo C Jeter III
#282902

APPELLATE

VS.

SOUTH CAROLINA DEPARTMENT OF
PROBATION, PAROLE AND PARDON SERVICES

RESPONDANT

NOTICE OF APPEAL

NOTICE is hereby given that Alonzo C Jeter III does hereby appeal the final decision of the South Carolina Department of Probation, Parole and Pardon Services dated July 29, 2016 and received on August 4, 2016, a copy of which is attached.

The appellate asserts that he is indeed eligible for parole according to 44-53-375 (c) in which he has been convicted, being the specific statute and 24-13-100 being a general statute.

August 19, 2016

S/ Alonzo C Jeter III

Alonzo C Jeter III, #282902
430 OAKLAWN ROAD
Pelzer, SC 29669

PROOF OF SERVICE

I hereby certify that I have served the Notice of Appeal on South Carolina Department of Probation, Parole and Pardon Services by depositing a copy of it in the United States Mail, postage prepaid, on August 19, 2016, by and through the mailroom at Perry Correctional Institution addressed to South Carolina Department of Probation, Parole and Pardon Services, 2221 Devine Street, Suite 600, Post Office Box 50666, Columbia, South Carolina 29250.

S/ Alonzo C Jeter III ✓

ALONZO C JETER III
#282902
430 OAKLAWN ROAD
Pelzer, SC 29669

RECEIVED

AUG 19 2016

PCI Mailroom

SWORN and Subscribed before me
this 19th day of August 2016
Notary: Nancy C. Murchant
Expires: 1-23-2023

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



JERRY B. ADGER
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.state.sc.us/ppp

July 29, 2016

Alonzo Jeter, III, #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Dear Mr. Jeter:

I am in receipt of your letter dated July 22, 2016, concerning your parole eligibility. According to the South Carolina Department of Corrections Automated Records System, you are serving several sentences for drug convictions. However, in indictment number 15-GS-11-00465, you were convicted of trafficking meth which is defined as a "no parole" offense under South Carolina Code Section 24-13-100. This section is more commonly referred to as the 85% rule. Therefore, you will be required to serve at least 85% of your sentence before release to community supervision.

Thank you for your letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan".

Matthew C. Buchanan
General Counsel

MCB:dn

RECEIVED

APR 26 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court
The Honorable Deborah B. Durden, Administrative Law Judge
Case No. 16-ALJ-15-0035-AP

Case No. 2017-000286

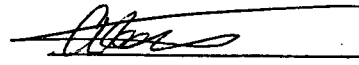
Alonzo C. Jeter, III, # 282902.....APPELLANT

V

South Carolina Department of Probation,
Parole and Pardon Services.....RESPONDENT

CERTIFICATE OF APPELLANT

I, Alonzo C. Jeter III, #282902, hereby certify that this Record On Appeal complies with Rule and contains all material proposed to be included in the Record On Appeal by all of the parties and not any other material.


Alonzo C Jeter, III, # 282902
APPELLANT

Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

April 20, 2017