

September 5, 2017

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

The Honorable Daniel E. Shearouse  
The Supreme Court of South Carolina  
Post Office Box 11330  
Columbia, SC 29211

**RECEIVED**

SEP 08 2017

S.C. SUPREME COURT

RE: Alonzo C. Jeter, III, # 282902 vs State of South Carolina  
Case No. 2016-CP-11-0293

Dear Mr. Shearouse:

I am writing to you today in regards of the above referenced case. I am seeking that you would hold my appellate proceedings in obedience due to my having pending motions, (Rule 59(e) & 59(a)(2)), which need to be heard and ruled on in the lower court. I have sought that my post-Conviction Relief (PCR) counsel would file these motions, however he has instead rather ignored my wishes and proceeded to file a notice of appeal in the Supreme Court of SC. If these pending motions are not heard and ruled on, issues that I raised in the PCR court will be considered as waived. I do not wish to waive any issues that I have raised. Enclosed are copies of these Rule 59(e) and 59(a)(2) SCRPC motions which have been filed and clock-stamped by the lower court as well as previous letters which I have mailed to my PCR counsel, Steven D. Epps, wherein I have asked that he file the motions on my behalf.

These motions were filed in the lower court on August 7, 2017. Attorney Epps has filed a notice of appeal on August 23, 2017, which he shouldn't have filed at that time due to these pending motions.

Again, I ask that you please hold my appellate proceedings in obedience due to my pending motions.

Thank you for your assistance in this matter.



Alonzo C. Jeter III  
APPELLANT

Perry Correctional Institution  
430 OAKLAWN ROAD  
Pelzer, SC 29669

September 5th 2017

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

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

**RECEIVED**

SEP 08 2017


S.C. SUPREME COURT

RE: 2016-CP-11-0293 - Letter to SC Supreme Court.

Dear Ms McBee:

Please find enclosed for filing, a letter to the Honorable Daniel E. Shearouse Clerk of South Carolina Supreme Court dated September 5th 2017 along with a Certificate of Service.

Thank you for your assistance in this matter.

Sincerely, 

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


# CERTIFICATE OF SERVICE

I, Alonzo C Jeter III, #282902, hereby certify that on the 5<sup>th</sup> day of September, 2017, I have mailed the within letter dated September 5<sup>th</sup> 2017 to The Honorable Daniel E. Shearouse, Clerk of Court, Supreme Court of South Carolina by placing said letter within a postage pre-paid envelope and in the hands of Perry Correctional Institution mailroom personnel for mailing addressed as follows:

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of S.C.  
P.O. Box 11330  
Columbia, SC 29211

Steven D. Epps, Esquire  
Epps Law Firm, LLC  
104-A Franklin Ave  
Suite 281  
Spartanburg, SC 29301

The Honorable Brandy W McBee  
Clerk, Cherokee County Court  
P.O. Drawer 2289  
Gaffney, SC 29342-2289

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

Sworn and subscribed before me  
this 5 day of September, 2017

Tamara Conwell  
Notary Public for South Carolina  
My Commission Expires

My Commission Expires  
September 25, 2023

RECEIVED

SEP 05 2017

P.C.I. MAILROOM

~~2017~~, 2017  
August 4, af.

Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215 / #282902  
430 OAKLAWN ROAD  
Pelzer, SC 29669

The Honorable Brandy W McBee  
Clerk, Cherokee County Court  
Post Office Drawer 2289  
GAFFNEY, SC 29342

**RECEIVED**

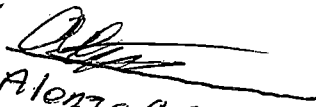
SEP 08 2017

S.C. SUPREME COURT

RE: Filing-59(e) motion & 59(a)(2) motion  
CASE 2016-CP-11-0293

Dear Ms McBee,  
Please find enclosed, one self-addressed stamped envelope,  
one original and one copy of Applicant's Rule 59(e) motion to  
Alter / Amend Judgment and Applicant's Rule 59(a)(2) Motion  
for a New PCR Hearing and Certificate of Service. Please  
return to me a copy of these motions and Certificate of  
Service, both bearing the Court's time stamp "Filed" by way  
of the enclosed SASE.

Thank you for your assistance in this matter.

Sincerely,  
  
Alonzo C Jeter III  
APPLICANT

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2017 AUG -7 A 11:24  
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA }  
COUNTY OF CHEROKEE }

COURT OF COMMON PLEAS  
CASE #: 2016-CP-11-0293

Alonzo C. Jeter, III  
APPLICANT, }

CERTIFICATE OF SERVICE


v  
State of South Carolina  
RESPONDENT }

CLERK OF COURT  
COUNTY OF CHEROKEE, S.C.  
2017 AUG - 7 : A 11: 22  
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, #282902, hereby certify that I have served the Respondents with a copy of my motions Rule 59(e) Motion to Alter/Amend Judgement and Rule 59(a)(2) Motion for a New PCR Hearing by placing a copy of said motions in the hands of Perry Correctional Institution mailroom personnel for mailing postage prepaid and addressed as follows:

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

The Honorable Alan Wilson  
AAG-Julie Coleman  
South Carolina Attorney General  
PO Box 11549  
Columbia, SC 29211

 ✓

4, att  
August 7, 2017

SWORN and Subscribed before me  
this 4<sup>th</sup> day of August, 2017  
Notary: Nancy C. Murchant  
Expires: 1-23-2023

Alonzo C Jeter, III, #282902  
Perry Correctional Institution  
430 OAKLAWN ROAD  
Pelzer, SC 29669  
July 7, 2017

STATE OF SOUTH CAROLINA }  
COUNTY OF CHEROKEE }  
}

COURT OF COMMON PLEAS  
CASE: 2016-CP-11-0293

Alonzo C. Jeter, III  
APPLICANT,

CERTIFICATE OF SERVICE

v  
State of South Carolina  
RESPONDENT }

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2017 AUG - 7 A 11: 24  
BRANDY W. MCBEE

I, Alonzo C. Jeter, III, # 282902, hereby certify that I have served the Respondents with a copy of my motions Rule 59(e) Motion to Alter/Amend Judgement and Rule 59(a)(2) motion for a New PCR Hearing by placing a copy of said motions in the hands of Perry Correctional Institution mailroom personnel for mailing postage prepaid and addressed as follows:

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

The Honorable Alan Wilson  
AAG-Julie Coleman  
South Carolina Attorney General  
PO Box 11549  
Columbia, SC 29211

S/ \_\_\_\_\_

4 of  
August 7, 2017

SWORN and Subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017  
Notary: \_\_\_\_\_  
Expires: \_\_\_\_\_

Alonzo C. Jeter, III, # 282902  
Perry Correctional Institution  
430 OAKLAWN ROAD  
Pelzer, SC 29669  
July 7, 2017

STATE OF SOUTH CAROLINA } COURT OF COMMON PLEAS  
County of CHEROKEE } CASE: 2016-CP-11-0293  
}

Alonzo Columbus Jeter, III  
APPLICANT,

v

STATE OF SOUTH CAROLINA  
RESPONDENT.

} APPLICANT'S 59(e)  
} MOTION TO ALTER OR  
} AMEND A JUDGEMENT  
} 59(a)(2) MOTION FOR A  
} NEW POST-CONVICTION  
} RELIEF HEARING

2017 AUG - 7 - A 11:29 AM  
BRANDY W. MORRIS  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.

The Applicant in the above entitled case respectfully  
Motions this Honorable Court pursuant to Rule 59(e) SCRCP  
to Amend the Finding of Facts and Conclusions of Law or  
make new findings and conclusions and/or grant a new  
post-conviction relief hearing.

This matter comes before the Court by way of a  
post-conviction Relief (PCR) application filed on April 28,  
2016. An evidentiary hearing was convened on March 20,  
2017, at the Spartanburg County Courthouse. Applicant was  
present at the hearing and was represented by Steven D.  
Epps, Esquire. Assistant Attorney General Julie A. Coleman  
represented the State.

Prior to the PCR hearing, Applicant's PCR Counsel filed  
the Petitioner's Notice and Motion for Discovery March 10, 2017.  
This motion was heard on March 20, 2017, prior to Applicant's  
PCR hearing. Judge Robin Stilwell presided over both, the  
hearing of the Applicant's motion for Discovery and Applicant's  
PCR hearing.

Judge Stilwell denied the motion and the PCR proceeding presumed. Post-Conviction Relief was also denied.

The Applicant's PCR was denied on July 24, 2017 and the PCR Court's Order was received by the Applicant on August 1, 2017. Upon reading the PCR Court's Order, the Applicant noticed that the PCR Court's Order of Dismissal failed to address that the Petitioner's Notice and Motion for Discovery was heard and ruled upon the Applicant's PCR hearing which was held on March 20, 2017.

Applicant respectfully requests this Honorable Court to make specific findings of fact and state expressly it's conclusions of law relating to each issue presented to include the Notice and Motion for Discovery - S.C. Code Ann. § 17-27-80 (2003). Applicant will be denied a meaningful appellate review if the Order of Dismissal fails to reflect that Petitioner's Notice and Motion for Discovery was raised and ruled upon by this Honorable Court.

See Bryson v State, 328 S.C. 236, 493 S.E.2d 500 (1997) Vacating a PCR order and remanding the matter for specific findings of fact and conclusions of law; McCullough v State, 464 S.E.2d 340 (1995); Pruitt v State, 423 S.E.2d 127, 128 (1992) - vacating and remanding PCR Court's Order dismissing the action where the PCR Court's Order failed to address the issues raised in the application (emphasizing the language in section 17-27-80 that specific findings of fact and conclusions of law regarding each issue presented must be

made by the PCR Court.

Counsel preparing proposed orders in post-conviction relief proceedings should be meticulous in doing so. Opposing counsel should call any omission to the attention of the PCR Judge prior to issuance of the Order, and the PCR Judge should carefully review the order prior to signing it.

After a post-conviction relief Order is filed, counsel has an obligation to review the order and file a motion to alter or amend judgement if the Order fails to set forth the required findings and reasons for those findings. Code 1976 § 17-27-80, SCRPC 59(a), 59(e); USCA Const. Amendment 6.

Applicant recognized that the PCR Court's Order of Dismissal did not address his Discovery motion which was filed on March 10, 2017, raised and heard before the Court on March 20, 2017 prior to Applicant's PCR hearing and ruled on, March 20, 2017.

Applicant also recognized that rulings based on findings of facts and conclusions of law in regards of the weight of the drugs and also number of controlled buys are not addressed in the PCR Court's Order. Applicant also respectfully requests this Honorable Court to Alter/Amend its Order in these regards.

Applicant has tried to consult with his PCR Counsel by way of mail and phone calls, but to no avail.

Applicant is filing this Rule 59(e) motion, because if not, his Motion of Discovery issue would forever be lost. Also, if this Rule 59(e) motioned is not filed, Applicant would waive appellate Court review of this critical issue. Applicant does not wish to waive any issues.

MOTION FOR A NEW PCR HEARING PURSUANT TO 59(e)(2)

The Applicant, Alonzo C. Jeter, III, # 282902, respectfully motions this Honorable Court for a New PCR Hearing pursuant to Rule 59(e)(2) based on the PCR Court's denial of Petitioners Notice and Motion for Discovery.

The Applicant would show this Honorable Court that a motion for discovery was filed on behalf of the Applicant pursuant to the Uniform Post-Conviction Relief Act § 17-27-150 and the South Carolina Rules of Civil Procedure.

The Applicant sought SLED reports to substantiate his claims that there were only two (2) drug sales as opposed to three (3). The Applicant also disputes the weight of the drugs. The SLED reports would have shown and proved that the Applicant's Plea attorney, Christopher D. Kennedy, Esquire had not investigated on the Applicant's behalf. The record (Order of Dismissal) fails to reflect that the motion and hearing to include testimony, even took place.

The Applicant also sought Mental Health records from both Cherokee County Mental Health Department and also Cherokee County Detention Center. The Applicant also sought Disciplinary records from Cherokee County Detention Center.

The Applicant avers that these documents, reports, and records presented to the Court as exhibits and evidence would have given the court a much clearer picture as to the Applicant's issues, grounds, facts and most importantly frame of mind during the Applicant's guilty plea and critical stages of negotiation.

This Honorable Court did not weigh several factors against Applicant's right to compulsory process: (1) The integrity of the adversary process; (2) the interest in the fair and efficient administration of Justice (3) the potential prejudice to the truth-determining function of the PCR Process.

Applicant's Motion for Discovery was timely filed and specific. The weight of the alleged drugs was indisputable which the discovery of SLED records would have shown that the drugs weren't a trafficking amount. Also the results would have revealed that there was only two (2) sales and not three (3). Applicant's mental health, disciplinary records would have revealed the Applicant's state of mind and duress. Records would have shown Applicant to be incompetent at the time. Applicant was denied an opportunity to substantiate his burden of proof in these regards, prejudice is presumed.

This denial of discovery effectively paralyzed and prevented the Applicant from the ability to present the sought Discovery as exhibits and evidence which would have given the Court a much clearer picture as to the Applicant's issues, grounds, and facts for post-conviction relief.

The Applicant contends that although he did receive a "bite at the apple", he received not a Full "bite". The Applicant seeks Order for a New Post-Conviction Hearing.

Respectfully Submitted,



Alonzo C. Deter, III  
APPLICANT/PETITIONER

430 OAKLAWN ROAD  
Pelzer, SC 29669

August 4<sup>th</sup>  
~~2017~~, 2017

at Pelzer, South Carolina

STATE OF SOUTH CAROLINA )  
COUNTY OF CHEROKEE )  
)CASE NO.: 2016-CP-11-0293

IN THE COURT OF COMMON PLEA  
SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III, #282902 )  
APPLICANT/PETITIONER )  
V )  
State of South Carolina )  
RESPONDENT )

**MOTION FOR A NEW  
POST-CONVICTION RELIEF HEARING  
PURSUANT TO RULE 59(a)(2) SCRPC**

NOW COMES the Applicant asking that this Court would grant him a new post-conviction hearing. The Applicant would not that a Motion for Discovery was filed on March 10, 2017 prior to his post-conviction hearing by and through his then court-appointed counsel, Steven D. Epps, Esquire. The Applicant's Motion for Discovery was denied on March 20, 2017 by the Honorable Judge Stilwell whom also presided over the Applicant's post-conviction hearing which was held on the same day. This denial of discovery effectively paralyzed and prevented the Applicant from the ability to present the sought Discovery as exhibits and evidence which would have given the Court a much clearer picture as to the Applicant's issues, grounds, and facts for post-conviction relief. The Applicant contends that although he did receive a "bite at the apple", he received an unfair "bite". The Applicant seeks Order for a New Post-Conviction Hearing.

Respectfully Submitted,

  
Alonzo C Jeter, III  
PETITIONER

430 Oaklawn Road  
Pelzer, SC 29669

Pelzer, South Carolina

July 7, 2017  
August

BRANDY W. MOBBE

2017 AUG -7 A 11: 25

CLERK OF COURT  
CHEROKEE COUNTY, S.C.

STATE OF SOUTH CAROLINA )  
COUNTY OF CHEROKEE )  
)CASE NO.: 2016-CP-11-0293

IN THE COURT OF COMMON PLEA  
SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III, #282902 )  
APPLICANT/PETITIONER )

MEMORANDUM IN SUPPORT OF  
MOTION FOR A NEW  
POST-CONVICTION HEARING  
PURSUANT TO RULE 59(a)(2)

V )

State of South Carolina )  
RESPONDENT )

CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2017 AUG - 11 A 11: 25  
BANDY W. MORRIS

STATEMENT OF THE CASE

Applicant provided an informant for the Cherokee County Narcotics Division with a quantity of methamphetamine between the dates of January 12, 2017 and January 15, 2017. The Appellant was arrested on March 31, 2017 and was charged with the offenses of trafficking in ice, crank, or crack between ten and twenty-eight grams 3<sup>rd</sup> offense, two counts of distribution of methamphetamine 3<sup>rd</sup> offense, and two counts of distribution of methamphetamine within a half mile of a school or park.

Applicant had a prior conviction for 1<sup>st</sup> offense possession of crack on his record which he was convicted of on October 12, 2004. Applicant also had a 2<sup>nd</sup> offense possession of marijuana on his record in which he was convicted of on August 15, 2013. All of the Applicant's current charges were enhanced to 3<sup>rd</sup> offenses based on these prior convictions.

A plea offer was extended to the Applicant through his attorney Christopher Kennedy. This negotiated plea agreement would be that the Applicant would enter a plea of guilty to lesser included offenses of these charges. The lesser included offenses and negotiation would be to plea guilty to the offenses of trafficking in ice, crank, or crack between ten and twenty-eight grams 2<sup>nd</sup> offense, two counts of distribution of methamphetamine 2<sup>nd</sup> offense, and two counts of distribution of methamphetamine within a half mile of a school or park and the Applicant would receive a negotiated term of imprisonment of 15 years concurrent sentencing on all of the charges.

On July 16, 2015 the Applicant appeared before the Honorable Lee S. Alford. The Applicant waived presentment to the grand jury and entered a plea of guilty and was sentenced a 15 year concurrent sentence on the offense of trafficking in ice, crank, or crack between ten and twenty-eight grams 2<sup>nd</sup> offense, 15 year concurrent sentences on the two counts of distribution of methamphetamine 2<sup>nd</sup> offense, and 10 year concurrent sentences on the two counts of distribution of methamphetamine within a half mile of a school or park in accordance with the negotiated plea agreement. No appeal was filed on the Applicant's behalf.

STATE OF SOUTH CAROLINA )  
 ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHEROKEE ) SEVENTH JUDICIAL CIRCUIT  
 ) CASE NO.: 2016-CP-11-0293

Alonzo Columbus Jeter, III, #282902 )  
Applicant / Petitioner, )  
 )  
v. )  
 )  
State of South Carolina, )  
Respondent. )

**PETITIONER'S NOTICE AND MOTION  
FOR DISCOVERY**

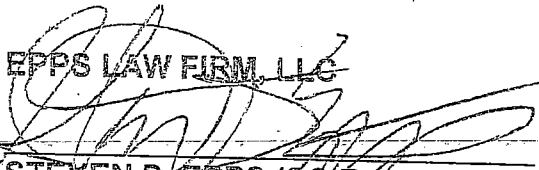
To: The Honorable Alan Wilson, Attorney General for the State of South Carolina and Assistant Attorney General Julie Coleman, Esquires:

Please take note that the Petitioner, within 10 days or as soon as may be heard, will move before the Court seeking discovery in this matter pursuant to S.C. Code Ann. §17-27-150 (A). Specifically, Petitioner would like to pursue discovery in the following areas for the following reasons:

1. SLED drug analysis records related to the drugs he is alleged to have sold during the dates of January 12, 14, and 15, 2015 (the underlying charges to this PCR) to dispute an actual sale took place during January 12, 2015 and that the charge for trafficking would not stand;
2. His medical records and disciplinary records with the Cherokee County Sheriff's Detention Center during the dates of January – July 2015 to corroborate his mental condition at the time of the underlying guilty plea leading to this PCR;
3. His Cherokee County Department of Mental Health records to corroborate his mental condition at the time of the underlying guilty plea leading to this PCR; and
4. Family Court transcripts and materials in the case of Jeter v. Jeter for mitigation material as to his employment.

FILED IN THE OFFICE  
CLERK OF COURT  
2017 MAR 10 P 3:33  
CHEROKEE COUNTY, SC

Therefore, Petitioner requests an Order granting discovery on the above items and an Order directing for payment of any fees or costs relative to the securing of this discovery.

  
EPPS LAW FIRM, LLC

STEVEN D. EPPS (SC Bar # 72722)  
104-A Franklin Avenue, # 281  
Spartanburg, SC 29301

(864) 590-4848 Telephone  
steven@eppslawfirm.com  
ATTORNEY FOR PETITIONER

Spartanburg, South Carolina  
March 10, 2017

FILED IN THE OFFICE  
CLERK OF COURT  
2017 MAR 10 P 3:33  
CLERK OF COURT  
CHEROKEE COUNTY, SC

STATE OF SOUTH CAROLINA )  
COUNTY OF CHEROKEE )

IN THE COURT OF COMMON PLEAS  
SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter III, #282902, )  
Applicant, )

2016-CP-11-0293

v. )

State of South Carolina, )  
Respondent. )

**ORDER OF DISMISSAL**

CHEROKEE COUNTY, SC  
2017 JUN 30 11:07

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on April 28, 2016. Respondent submitted its Return on November 15, 2016. An evidentiary hearing was convened on March 20, 2017, at the Spartanburg County Courthouse. Applicant was present at the hearing and was represented by Steven D. Epps, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's plea counsel, Christopher Kennedy, Esquire ("Plea Counsel") also testified. The Court had before it a copy of the guilty plea transcript, the records of the Cherokee County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings.

Following the evidentiary hearing, Respondent filed a motion to reopen the record to submit additional records from the Cherokee County Clerk of Court. Applicant objected to the motion, and a hearing was held on June 30, 2017, at the Spartanburg County Courthouse. At the hearing, this Court granted the motion and took judicial notice that Applicant had two prior convictions for possession of crack (2004-GS-11-925 and -926). The additional documentation

RB?

1. Ineffective Assistance of Counsel, in that:
  - a. "Counsel failed to investigate and request continuance. . . . A continuance would have given counsel more time to investigate, prepare for mitigation and bargaining, as well as time to discover the applicant's state of mind and needs."
  - b. "Counsel failed to challenge insufficient indictments."
  - c. "Counsel failed to present nor allow me to present mitigating evidence and factors at opportunity"
  - d. "Counsel failed to obtain the original plea offer of seven (7) years."
  - e. "Counsel failed to inform me of my right to appeal and make sure I understood what it was and how to do it."
  - f. "Charges were erroneously enhanced – Prior marijuana conviction should not have been used to enhance my charges. It also had been 11 years since my first conviction and therefore should not have been used to enhance."
  
2. Due Process Violation
  - a. "My constitutional rights of due process under the Fourteenth Amendment, and applicable case law, was violated as counsel failed to request a competency hearing."
    - i. Absent counsel's errors there is a reasonable probability that the evidence would have been reweighed and thus it would have been concluded that the balance of aggravating and mitigating circumstances did not warrant such harsh sentencing and punishment.
    - ii. Applicant also had the right to be competent when entering a guilty plea and a complete picture of the Applicant's mental condition would have established that the Applicant was suffering from a mental or emotional disturbance both at the time the crimes were committed and at the time of entering a plea of guilty.
    - iii. Due process prohibits this conviction therefore the conviction is illegal.
  
3. Lack of Subject Matter Jurisdiction
  - a. "The court lacked subject matter jurisdiction to accept my guilty pleas."

### III. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must

RB 3

testified that he pled guilty to possession with intent to distribute within a half-mile of a park or school, but he later found out that the park he was near was a church playground, not a public park, and this charge was improper. He stated that he did not mention the fact that it was a church playground to Plea Counsel.

Applicant testified that he knew that he did not have any hard drug convictions from after 2004, but could not think straight enough to tell Plea Counsel. He stated that Plea Counsel did not discuss the defense of entrapment with him, but he knows that if he had gone to trial on his charges and argued entrapment, he would have been acquitted. He stated that the separate charges he picked up in April and May following this charge were dismissed after he pled guilty to these offenses in exchange for his guilty plea. He testified that he was not taking his medication during the guilty plea. He stated that Plea Counsel had mitigation materials about how Applicant had tried to find work but was turned down for multiple jobs, and Plea Counsel should have presented them to the plea court. He stated that he wanted Plea Counsel to appeal his guilty plea, but he never got a chance to talk to him after the plea.

Plea Counsel testified that the Solicitor's original plea offer to Applicant was a seven year deal, but it was contingent on him speaking to the investigators in the case. He stated that after the Solicitor spoke with the investigator, they revoked their offer and told him that they could not offer a seven year deal. He stated that he had nothing guaranteeing him this deal in writing, it was only on his word and it relied on the approval of the investigator, which the investigator did not give.

Plea Counsel testified that there was nothing that made him think that Applicant's mental health was an issue. He stated that he never thought that Applicant did not understand what was going on during his proceedings, and there was no basis to seek a hearing over his mental

R37  
5

INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant has asserted several allegations of ineffective assistance of counsel. This Court finds these claims to be meritless and they should be denied and dismissed with prejudice. This Court finds Plea Counsel's representation did not fall below the standards of professional norms in any manner. He communicated properly with Applicant and reviewed all discovery materials with him. Based on this testimony and the record before the court, this Court finds Plea Counsel's representation was not ineffective in any regard.

*Failure to investigate and request a continuance*

Applicant alleges that Plea Counsel was ineffective for failing to investigate his case and request a continuance before his guilty plea. This allegation is meritless.

Plea Counsel credibly testified that he investigated this case as well as Applicant's criminal history. He stated that he drove to the church playground in question to verify that it was within a half-mile of the location Applicant sold the drugs. He read the SLED report and verified its information. Based on the strength of the State's evidence against Applicant, Plea Counsel strategically negotiated plea deals with the State and was able to obtain a negotiated sentence. Plea Counsel testified that there was no reason to request a continuance before the guilty plea.

Based on this testimony, this Court finds that Plea Counsel thoroughly investigated Applicant's case and was not ineffective in this regard. Therefore, this allegation is denied and dismissed with prejudice.

*Failure to present mitigation*

Applicant alleges that Plea Counsel was ineffective for failing to present or allow him to present mitigating evidence and factors at the guilty plea. This Court finds that Plea Counsel was

*R3<sup>2</sup>  
A*

case, and the plea judge reviewed this right with him, as well. Trial tr. 17, ll. 25. Plea Counsel testified that there was no indication that Applicant wanted an appeal, and he spoke to both Applicant and his girlfriend after the guilty plea and neither mentioned an appeal. He further stated there was no factual or legal basis for an appeal of his guilty plea and there were no objections made during the guilty plea.

This Court finds that Plea Counsel did advise Applicant of his right to appeal and that he received no indication that an appeal needed to be filed. Therefore, Plea Counsel cannot be deficient. This allegation is denied and dismissed with prejudice.

*Failure to challenge insufficient indictments*

This Court finds that Plea Counsel was not ineffective for failing to challenge the ~~indictments in this case. Applicant was properly indicted and put on notice of his charges.~~ Applicant waived presentment to the grand jury on all of his charges. Plea Counsel credibly testified that he saw no basis for challenging the indictments on the grounds that the facts didn't support the charge on the indicted offense, and this Court agrees.

Applicant alleges that the indictments for Distribution of Methamphetamine within a Half-Mile of a Park or School (2015-GS-11-0462 and -0464) were improper because the park within a half-mile of the sale was a private church playground that does not fall under the statute, S.C. Code Ann. § 44-53-445 (2010). However, this Court finds that this challenge to the classification of the park is a factual argument against the State's evidence and not a challenge to the sufficiency of the indictment. Any factual challenge to this offense, meaning whether the church playground was public or private, was waived by Applicant when he chose to plead guilty.

RB Sq

*Failure to challenge improper enhancements*

Applicant alleges Plea Counsel was ineffective for failing to challenge the improper enhancement of his charges. This allegation is meritless.

Applicant was charged with Distribution of Methamphetamine, third offense, and Trafficking Ice, Crank, or Crack, ten grams or more but less than 28 grams, third offense. After plea negotiations with the State, Applicant pled guilty to distribution, second offense, and trafficking, second offense; the State allowed him to plea to a lower offense in exchange for his guilty plea. Applicant now alleges in his PCR action that he never had the proper prior convictions to allow the State to enhance his charge to third offense. He argued to the Court that his prior trafficking conviction was just outside of the ten year scope of offenses allowed and should not have been used to enhance his charge. He further argued that the other prior conviction used for enhancement purposes was a marijuana conviction, which under the law cannot be used for enhancement purposes in this case.

At the evidentiary hearing, Applicant testified that he did not tell Plea Counsel about the problems with his enhancement because he assumed they were correct. Plea Counsel testified that he discussed Applicant's prior convictions with him and the effect that they would have on his sentencing if convicted at trial. He stated that Applicant was subject to a potential sentence of Life Without Parole if convicted based on his prior record. Plea Counsel testified that his strategy was to negotiate a plea deal with the State to allow Applicant to plea to a lesser sentence, because he believed that the State could reasonably convict Applicant on all three separate drug buys, which would definitely be three strikes against him, resulting in a life sentence. He stated that there was video evidence of Applicant selling drugs, and the evidence was strong enough

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Because Applicant has failed to meet his burden of proving either prong of the Strickland test, this allegation is denied and dismissed with prejudice.

#### DUE PROCESS

Applicant alleges that he was denied due process of law. Applicant's allegation claims infringement of his rights under the Fourteenth Amendment to the United States Constitution based on Plea Counsel's failure to request a mental competency hearing. This allegation is meritless.

The testimony presented at the evidentiary hearing and the record of the guilty plea indicate that Plea Counsel was not deficient in choosing not to challenge Applicant's mental competency. Plea Counsel credibly testified that he believed Applicant always understood what was going on and show no indications of mental issues. He testified that he saw no reason to request an evaluation or challenge his guilty plea based on a lack of competency. This Court finds that Plea Counsel was not deficient in this regard.

Secondly, Applicant has failed to meet his burden of proving prejudice because he has not proven that he actually lack mental competency. The South Carolina Supreme Court "has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice from the witness' failure to testify at trial." Bannister v. State, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998). "The applicant's mere speculation what the witnesses' testimony would have been cannot, by itself, satisfy the applicant's burden of showing prejudice." Glover v. State, 318 S.C. 496, 498-99, 458 S.E.2d 538, 540 (1995). Applicant did not present any testimony from a mental evaluator or introduced any mental health records or

RB  
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(2003), *overruled on other grounds*, Gentry, 363 S.C. 93, 610 S.E.2d 494) (emphasis added).

Therefore, this allegation is denied and dismissed with prejudice.

## VII. CONCLUSION

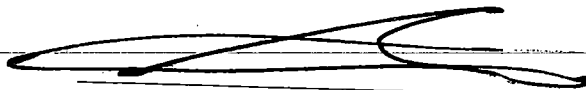
Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

### IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. That Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 24 day of JULY, 2017.



ROBIN B. STILWELL  
Presiding Judge  
Seventh Judicial Circuit

Chloroform, South Carolina





After 5 Days Return To:  
 Mrs. Brandy W. McBee  
 Clerk of Court, Cherokee County  
 Post Office Drawer 2289  
 Gaffney, SC 29342

neopost<sup>SM</sup>  
 07/27/2017  
 US POSTAGE

FIRST-CLASS MAIL  
 \$00.67<sup>0</sup>



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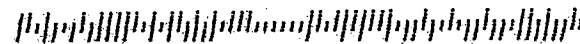
Alonzo C. Jeter, III, #282902  
 Perry Correctional Institution Q1-B-215  
 430 Oaklawn Rd.  
 Pelzer, SC 29669

**RECEIVED**

AUG 01 2017

P.C.I. MAILROOM

2966988704 0099



NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Case No. 2016-CP-11-0293

Alonzo C. Jeter III

Appellant,

v.

State of South Carolina,

Respondent.


---

NOTICE OF APPEAL

Alonzo C Jeter III appeals the order of the Honorable Robin B. Stilwell dated July 24, 2017. Appellant received written notice of entry of this order on August 1, 2017. Further, Appellant received written notice of the denial of his motion to reconsider the above order on August 18, 2017.

Respectfully submitted,

EPPS LAW FIRM, LLC



STEVEN D. EPPS (SC Bar # 72722)

104-A Franklin Avenue, # 281

Spartanburg, SC 29301

(864) 590-4848 Telephone

Spartanburg, South Carolina

steven@eppslawfirm.com

ATTORNEY FOR APPELLANT

---

Other Counsel of Record:

Julie A Coleman.

Assistant Attorney General

S.C. Attorney General's Office

Post Office Box 11549

Columbia, SC 29211

**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHEROKEE COUNTY  
Court of Common Pleas

Robin B. Stilwell, Circuit Court Judge

Case No. 2016-CP-11-0293

Alonzo C. Jeter III

Appellant,

v.

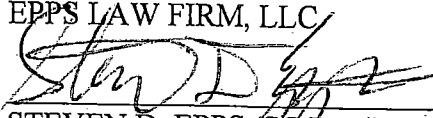
State of South Carolina,

Respondent.

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on August 23, 2017 addressed to its attorney of record, Julie A Coleman, Esq., Assistant Attorney General, Post Office Box 11549, Columbia, SC 29211.

Respectfully submitted,  
EPPS LAW FIRM, LLC

  
STEVEN D. EPPS (SC Bar # 72722)

104-A Franklin Avenue, # 281

Spartanburg, SC 29301

(864) 590-4848 Telephone

Spartanburg, South Carolina

steven@eppslawfirm.com

ATTORNEY FOR APPELLANT

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2016-CP-11-293

Alonzo Columbus Jeter, III, #282902

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

FILED IN OFFICE OF  
 CLERK OF COURT  
 CHEROKEE COUNTY, S.C.  
 2016 AUG 16 11:33 AM  
 SHANNON MCBEE

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

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

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

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.  
 E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/ Robin B. Stilwell  
 Circuit Court Judge

2158  
 Judge Code

August 16, 2017  
 Date



STATE OF SOUTH CAROLINA  
COUNTY OF CHEROKEE  
Alonzo Columbus Jeter, III, #282902,

Applicant,

vs.

State of South Carolina,

Respondent.

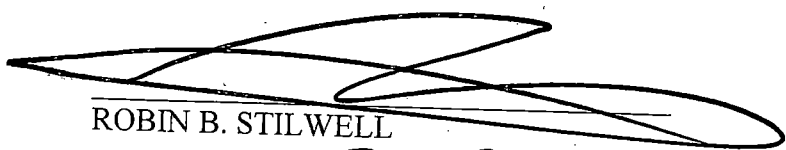
IN THE COURT OF COMMON PLEAS  
SEVENTH JUDICIAL CIRCUIT

**ORDER DENYING MOTION FOR  
RECONSIDERATION  
PURSUANT TO RULE 59, SCRP**

C. A. No.: 2016-CP-11-0293

This matter comes before the Court pursuant to the Applicant's Motion for Reconsideration of the Court's Final Order, pursuant to Rule 59 of the South Carolina Rules of Civil Procedure. After having had the opportunity to carefully review the Motion, this Court respectfully denies the same.

**AND IT IS SO ORDERED.**

  
ROBIN B. STILWELL

August 14, 2017  
Greenville, South Carolina

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
2017 AUG 16 10:17  
BRANDY W. MCBEE

Epps Law Firm, LLC  
104-A Franklin Ave., #281  
Spartanburg, SC 29301

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AUG 28 2017

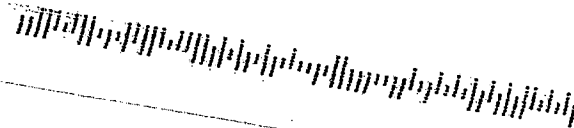
Mailroom

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Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215-282902  
430 Oaklawn Rd  
Pelzer, SC 29669



U.S. POSTAGE  
PAID  
SPARTANBURG, SC  
29306  
AUG 23 17  
AMOUNT  
**\$0.70**  
R2304M115330-13

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March 23, 2017

Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215/# 282902  
430 OAKLAWN ROAD  
Pelzer, SC 29669

The Honorable Brandy W McBee  
Clerk, Cherokee County Court  
Post Office Drawer 2289  
Gaffney, SC 29342

RE: 2016-CP-11-0293 (PCR)

Dear Ms. McBee:

Please find for filing, a letter to Steven D. Epps, Esquire dated March 23, 2017 along with Proof of Service.

Thank you for your time and attention in this matter.

Sincerely,



Alonzo C Jeter III

**RECEIVED**

MAR 23 2017

P.C.I. MAILROOM

# CERTIFICATE OF SERVICE

I, Alonzo C Jeter III, do hereby certify that on the 23 day of March, 2017, I have mailed the within letter dated March 23, 2017 to Attorney Steven D. Epps by placing said letter within a postage prepaid envelope and in the hands of Perry Correctional Institution mailroom personnel for mailing addressed as follows:

Steven D. Epps, Esquire  
Epps Law Firm, LLC  
104-A Franklin AVE.  
Suite 281  
Spartanburg, SC 29301

The Honorable Brandy W McBee  
Cherokee County Clerk of Court  
PO Drawer 2289  
Gaffney, SC 29342-2289

USPS Tracking #

USPS TRACKING #  
& CUSTOMER  
RECEIPT

9114 9012 3080 3077 3559 50  
For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

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

SWORN and Subscribed before me  
this 23 day of March, 2017  
Iamara Conwell  
Notary Public for South Carolina  
My Commission Expires My Commission Expires  
September 25, 2023

**RECEIVED**

MAR 23 2017

P.C.I. MAILROOM

March 23, 2017

Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215/# 282902  
430 OAKLAWN ROAD  
Pelzer, SC 29669

Steven D. Epps, Esquire  
Epps Law Firm, LLC  
104-A Franklin Ave.  
Spartanburg, SC 29301

RE: Alonzo C Jeter v State (PCR)  
2016-CP-11-0293 (Cherokee County)

RECEIVED

MAR 23 2017

P.C.I. MAILROOM

Dear Mr Epps:

I am writing to you today in regards of my PCR hearing which was held on March 20, 2017. I would like for you to file a motion for reconsideration on the issues in which Judge Stillwell has denied my PCR. I also ask that you file a Rule 59(e) motion in the event that any issues that I raised are not ruled on based on findings of fact and conclusions of Law. The issues that I raised were:

1) Improperly Enhanced charges

(a) State used a prior drug conviction from 2004 which was not supposed to be used as an enhancer due to the charge being over 10 years old. This was an error.

(b) my prior marijuana conviction from 8/15/2013 was used as an enhancer to my charges. This was an error.

2) Proximity - I should not have been charged with proximity to a church

3) Mental Health Competency - I wasn't receiving my mental health medications in Jail prior to the plea, I was being assaulted by the officers at the Jail, I wasn't able to assist my attorney, (Mr. Kennedy).

4) Number of Controlled buys - There were two controlled buys and not three.

5) Motion for Discovery - The Order should address that this motion was made and denied; and should specifically address and list specific discovery motioned for.

Mr. Epps, it is incumbent upon you that you file this Rule 59(e) motion on my behalf if these issues are not addressed in the PCR Court's Order.

Regards,



Alenzo C. Jeter III

RECEIVED

MAR 23 2017

P.C.I. MAILROOM

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER**

**RECEIVED**

MAR 29 2017


TO: NAME:	TITLE:	DATE:
Ms. Merchant/Ms. Conwell	- MAILROOM	March 28, 2017
INMATE'S NAME:	SCDC #:	
Alonzo C Jeter III	282902	
INSTITUTION:	LIVING QUARTERS:	
Perry Correctional Institution	Q1-B-215	

Dear Ms. Merchant/Ms. Conwell:

I mailed a letter to Attorney Steven Epps on March 23, 2017 and a USPS Tracking Number was assigned to the letter. Will you please verify for me whether or not this letter has been delivered? Please provide me with a printout of the verification.

USPS Tracking #: 9114 9012 3080 3077 3559 50

Thank you for your time, attention, and all that you do.

*Respectfully,*  
  
Alonzo C Jeter III

**DISPOSITION BY STAFF MEMBER:**

delivered 3/25/17

Thanks!

DATE:	SIGNATURE:
3/29/17	Ms. Merchant

# USPS Tracking® Results

FAQs > (<http://faq.usps.com/?articleId=220900>)

[Track Another Package +](#)

[Remove X](#)

**Tracking Number:** 9114901230803077355950



**Delivered**

**Updated Delivery Day:** Saturday, March 25, 2017 ⓘ

## Product & Tracking Information

[See Available Actions](#)

**Postal Product:**

**Features:**

USPS Tracking®

DATE & TIME	STATUS OF ITEM	LOCATION
March 25, 2017, 11:03 am	Delivered, Front Desk/Reception ▲	SPARTANBURG, SC 29301

Your item was delivered to the front desk or reception area at 11:03 am on March 25, 2017 in SPARTANBURG, SC 29301.

March 25, 2017, 9:21 am	Out for Delivery	SPARTANBURG, SC 29301
March 25, 2017, 8:02 am	Sorting Complete	SPARTANBURG, SC 29301
March 25, 2017, 7:16 am	Arrived at Post Office	SPARTANBURG, SC 29301

April 5, 2017

**Alonzo C Jeter III**  
Perry Correctional Institution  
Q1-B-215 / #282902  
430 Oaklawn Road  
Pelzer, SC 29669

**The Honorable Brandy W McBee**  
Clerk, Cherokee County Court  
Post Office Drawer 2289  
Gaffney, SC 29342

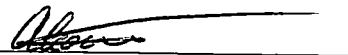
RE: 2016-CP-11-0293 (PCR)

Dear Ms. McBee:

Please find for filing, a *letter* to Steven D. Epps, Esquire dated April 5,  
2017 along with *Certificate of Service*.

Thank you for your time and attention in this matter.

Sincerely,



**Alonzo C Jeter**

## CERTIFICATE OF SERVICE

I, Alonzo C. Jeter III, do hereby certify that on the 5<sup>th</sup> day of April, 2017, I have mailed the within letter dated April 5, 2017 to Steven D. Epps, *Esquire* by placing said letter within a postage prepaid envelope and in the hands of Perry Correctional Institution mailroom personnel for mailing addressed as follows:

**Steven D. Epps, *Esquire***  
Epps Law Firm, LLC  
104-A Franklin Ave.  
Suite 281  
Spartanburg, SC 29301

**The Honorable Brandy W. McBee**  
*Clerk*, Cherokee County Court  
Post Office Drawer 2289  
Gaffney, SC 29342-2289

USPS Tracking # USPS TRACKING #  
& CUSTOMER  
RECEIPT **9114 9012 3080 3077 3560 94**  
For Tracking or inquiries go to USPS.com  
or call 1-800-222-1811.

S/   
\_\_\_\_\_  
Alonzo C Jeter

SWORN and Subscribed before me

This 5<sup>th</sup> day of April, 2017

Lamarc Conwell (L.S.)

Notary Public for South Carolina

My Commission Expires ~~My Commission Expires~~

September 25, 2023

April 5, 2017

Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215 / #282902  
430 Oaklawn Road  
Pelzer, SC 29669

~~Steven D. Epps, Esquire~~  
Epps Law Firm, LLC  
104-A Franklin Ave.  
Spartanburg, SC 29301

RE: Alonzo C Jeter v State (PCR)  
2016-CP-11-0293 (Cherokee County)

Dear Mr. Epps:

I am writing to you today in regards of my Post Conviction Relief (PCR) hearing which was held on March 20, 2017. I have received your letter and I would like for you to file a motion for reconsideration on the issues in which The Honorable Judge Stillwell has denied my PCR once you have received the PCR Court's Order.

I also ask that you file a Rule 59(e) Motion in the event that the PCR Court fails to make specific findings of fact and conclusions of law regarding any issues that I have raised. The issues that I raised were:

1) Improperly Enhanced Charges

(a) State used a prior first offense drug conviction from 2004 which was not supposed to be used as an enhancer due to the charge being over 10 years old. This was an error.

(b) My prior marijuana conviction from 8/15/2013 was used as an enhancer to my charges. This was an error.

2) Proximity – I should not have been charged with proximity to a church.

3) Mental Health Competency / Duress – I wasn't receiving my mental health medications while being housed at the Cherokee County Detention Center (Jail) prior to my plea. I was being assaulted by the officers at the jail. I wasn't able to assist my attorney (Mr. Kennedy) in my case.

4) Number of Controlled Buys – There were two controlled buys and not three. I also dispute the weight of the buys.

5) Failed to file an appeal or make sure that I knew how to invoke the appeal process

6) Failure to Investigate

7) Subject Matter Jurisdiction

8) Motion for Discovery – The PCR Court’s Order should also address that this motion was made and denied by The Honorable Judge Stillwell and the Order should specifically address and list specific discovery motioned for.

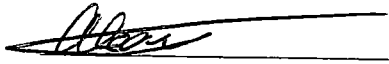
Mr. Epps, it is incumbent upon you that you file this Rule 59(e) Motion on my behalf if these issues are not addressed and the PCR Court’s Order fails to make specific findings of fact and conclusions of law regarding any issues that I have raised.

Lastly, please provide me with the following:

- 1) A copy of the filed Motion for Reconsideration
- 2) A copy of the PCR Court’s Order as soon as you have obtained it
- 3) A copy of the filed Rule 59(e) Motion
- 4) A copy of the Amendments to my PCR application that you filed (or should have filed)

Thanks for your time, attention, and all that you do.

Sincerely,

  
Alonzo C Jeter

April 24, 2017

Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215 / #282902  
430 Oaklawn Road  
Pelzer, SC 29669

The Honorable Brandy W McBee  
Clerk, Cherokee County Court  
Post Office Drawer 2289  
Gaffney, SC 29342

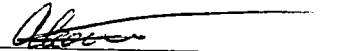
RE: 2016-CP-11-0293 (PCR)

Dear Ms. McBee:

Please find for filing, a letter to Steven D. Epps, Esquire dated April 24, 2017 2017 along with *Certificate of Service*.

Thank you for your time and attention in this matter.

Sincerely,

  
Alonzo C Jeter

FILED IN THE OFFICE  
CLERK OF COURT  
2017 APR 27 A 10:51  
SHARON A. STUBBS  
CLERK OF COURT  
CHEROKEE COUNTY, SC

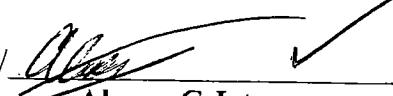
**CERTIFICATE OF SERVICE**

I, Alonzo C. Jeter III, do hereby certify that on the 24<sup>th</sup> day of April, 2017, I have mailed the within letter dated April 24, 2017 to Steven D. Epps, *Esquire* by placing said letter within a postage prepaid envelope and in the hands of Perry Correctional Institution mailroom personnel for mailing addressed as follows:

**Steven D. Epps, *Esquire***  
Epps Law Firm, LLC  
104-A Franklin Ave.  
Suite 281  
Spartanburg, SC 29301

**The Honorable Brandy W. McBee**  
*Clerk*, Cherokee County Court  
Post Office Drawer 2289  
Gaffney, SC 29342-2289

USPS Tracking #

S/    
Alonzo C Jeter

SWORN and Subscribed before me  
This 24<sup>th</sup> day of April, 2017  
Nancy C. Merchant (L.S.)  
Notary Public for South Carolina  
My Commission Expires. 1-23-2023

FILED IN THE OFFICE  
CLERK OF COURT  
2017 APR 27 A 10:51  
BRANDY W. MCBEE  
CLERK OF COURT  
CHEROKEE COUNTY, SC

April 24, 2017

Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215 / #282902  
430 Oaklawn Road  
Pelzer, SC 29669

Steven D. Epps, Esquire  
Epps Law Firm, LLC  
104-A Franklin Ave.  
Spartanburg, SC 29301

RE: Alonzo C Jeter v State (PCR)  
2016-CP-11-0293 (Cherokee County)

FILED IN THE OFFICE  
CLERK OF COURT  
2017 APR 27 A 10:51  
MARCOY A. MOORE  
CHEROKEE COUNTY, SC

Dear Mr. Epps:

I am writing to you today in regards of my Post Conviction Relief (PCR) hearing which was held on March 20, 2017. I have received your letter and I would like for you to file a motion for reconsideration on the issues in which The Honorable Judge Stillwell has denied my PCR once you have received the PCR Court's Order. *Also, please file a Rule 59(a)(2) Motion for a new PCR hearing, due to denial of Discovery.* I also ask that you file a Rule 59(e) Motion in the event that the PCR Court fails to make specific findings of fact and conclusions of law regarding any issues that I have raised. The issues that I raised were:

- 1) Improperly Enhanced Charges
  - (a) State used a prior first offense drug conviction from 2004 which was not supposed to be used as an enhancer due to the charge being over 10 years old. This was an error.
  - (b) My prior marijuana conviction from 8/15/2013 was used as an enhancer to my charges. This was an error.
- 2) Proximity – I should not have been charged with proximity to a church.
- 3) Mental Health Competency / Duress – I wasn't receiving my mental health medications while being housed at the Cherokee County Detention Center (Jail) prior to my plea. I was being assaulted by the officers at the jail. I wasn't able to assist my attorney (Mr. Kennedy) in my case.
- 4) Number of Controlled Buys – There were two controlled buys and not three. I also dispute the weight of the buys.
- 5) Failed to file an appeal or make sure that I knew how to invoke the appeal process

6) Failure to Investigate

7) Subject Matter Jurisdiction

8) Motion for Discovery – The PCR Court's Order should also address that this motion was made and denied by The Honorable Judge Stillwell and the Order should specifically address and list specific discovery motioned for.

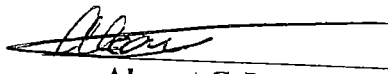
Mr. Epps, it is incumbent upon you that you file this Rule 59(e) Motion on my behalf if these issues are not addressed and the PCR Court's Order fails to make specific findings of fact and conclusions of law regarding any issues that I have raised.

Lastly, please provide me with the following:

- 1) A copy of the filed Motion for Reconsideration
- 2) A copy of the PCR Court's Order as soon as you have obtained it
- 3) A copy of the filed Rule 59(e) Motion *to Alter/Amend Judgement*
- 4) A copy of the Amendments to my PCR application that you filed (or should have filed)
- 5) *A copy of the Rule 59(a)(2) motion for a new PCR hearing that I am requesting that you file.*

Thanks for your time, attention, and all that you do.

Sincerely,

  
Alonzo C Jeter

*I Mailed this to Steven Epps on July 6, 2017*

Alonzo C Jeter III  
Perry Correctional Institution  
Q1-B-215 / #282902  
430 Oaklawn Road  
Pelzer, SC 29669

Steven D. Epps, Esquire  
Epps Law Firm, LLC  
104-A Franklin Ave.  
Spartanburg, SC 29301

BRANDY W. MOBERG

2017 AUG - 7 | A 11: 25 |

CLERK OF COURT  
CHEROKEE COUNTY, S.C.

RE: Alonzo C Jeter v State (PCR)  
2016-CP-11-0293 (Cherokee County)

Dear Mr. Epps:

I am writing to you today in regards of my Post Conviction Relief (PCR) hearing which was held on March 20, 2017. I have received your letter and I would like for you to file a motion for reconsideration on the issues in which The Honorable Judge Stillwell has denied my PCR once you have received the PCR Court's Order. *Also, please file a Rule 59(a)(2) Motion for a new PCR hearing, due to denial of Discovery.*

I also ask that you file a Rule 59(e) Motion in the event that the PCR Court fails to make specific findings of fact and conclusions of law regarding any issues that I have raised. The issues that I raised were:

- 1) Improperly Enhanced Charges
  - (a) State used a prior first offense drug conviction from 2004 which was not supposed to be used as an enhancer due to the charge being over 10 years old. This was an error.
  - (b) My prior marijuana conviction from 8/15/2013 was used as an enhancer to my charges. This was an error.
- 2) Proximity - I should not have been charged with proximity to a church.
- 3) Mental Health Competency / Duress - I wasn't receiving my mental health medications while being housed at the Cherokee County Detention Center (Jail) prior to my plea. I was being assaulted by the officers at the jail. I wasn't able to assist my attorney (Mr. Kennedy) in my case.
- 4) Number of Controlled Buys - There were two controlled buys and not three. I also dispute the weight of the buys.
- 5) Failed to file an appeal or make sure that I knew how to invoke the appeal process

6) Failure to Investigate

7) Subject Matter Jurisdiction

8) Motion for Discovery – The PCR Court's Order should also address that this motion was made and denied by The Honorable Judge Stillwell and the Order should specifically address and list specific discovery motioned for.

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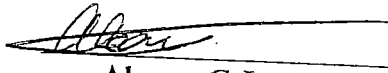
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Thanks for your time, attention, and all that you do.

Sincerely,

  
Alonzo C Jeter