

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Cherokee County
Honorable Robin B. Stilwell, Circuit Court Judge

Case No. 2017-001777

Alonzo Columbus Jeter, III,

PETITIONER,

v

STATE OF SOUTH CAROLINA,

RESPONDENT.

RECEIVED
MOTION TO SUPPLEMENT RECORD
AND MEMORANDUM IN SUPPORT
APR 15 2019
SC Court of Appeals

MOTION

The Petitioner, Alonzo C. Jeter, III, pursuant to RULE 212(b), SCACR, hereby moves the court for an order allowing the Petitioner to supplement the record in order to address the issue presented by the Respondent in its Return to Petition for Writ of Certiorari.

In conjunction, Petitioner also hereby moves the court for an order that would direct the Cherokee County County to provide for the record, all letters which are in its custody which were written by Petitioner to his post-conviction relief counsel, Steven D. Epps, those letters which are filed in the office of the Cherokee County Clerk of Court under Petitioner's PCR case number. See Appendix pg. 191, 192, 204, 205 included, composed by Division of Appellate Defense, however there are more. RULE 243 (f)(1), SCACR.

To allow the court to fully consider all pertinent information and make a fair ruling in the interest of Justice and Judicial economy, Petitioner seeks leave to supplement the record, as the Respondent presents an issue asserting that Petitioner has changed his argument, and defaults to the claims of overwhelming evidence and credible trial strategy.

Partial supplemental records are attached in Appendix form as -SUPPLEMENTAL APPENDIX-, however, Petitioner seeks an order that would direct Cherokee County Court to provide for the record, the aforementioned filings. [SUPPLEMENTAL APPENDIX is attached and accompanies this motion]

WHEREFORE, the Petitioner respectfully request that the Court grant this leave and also provide order which directs the Cherokee County Court for these filings.

MEMORANDUM

In Support of the motion, Petitioner shows and submits the following:

1. Leave to supplement the record will not prejudice the Respondent because this permission gives clarification and rids discrepancies by particularly addressing Respondent's assertion that Petitioner has attempted to change his argument in regards of the convictions for proximity to Macedonia Church and also addresses Respondent's overwhelming evidence and credible trial strategy contentions

2. Supplementation of the record is necessary to allow the Petitioner a fair appeal. Supplementation is also necessary and relevant as this would allow the court to recognize that Petitioner would be denied equitable appellate review of his claims through no fault of his own, but rather through the several procedural irregularities that exists in this case.

3. The filings which are in the custody of the Cherokee County Court are filed under Petitioner's PCR case number in regards of this case and therefore is a part of the record in this case and therefore would be already included in the Appendix, however, due to Petitioner's indigency he has not had access to these filings, and indigency should not become a bar or instrument which denies and prevents Petitioner from making filings which are filed in regards of Petitioner's PCR and are in custody of the court available for including in the Appendix.

4. Petitioner could not have predicted and known that all discovery and evidence which he sought to present to the PCR court in support of his claims would be denied. Through the Solicitor and PCR court's blanket denial of any such discovery, Respondent defaults to claims of overwhelming evidence analysis and credible trial strategy. These claims, coupled with the State's unethical practice of withholding evidence, (i.e. video of controlled buy and audio recordings) as part of the unethical plea offer, creates the necessity that the record be supplemented to provide the court with the full complete record of the lower courts.

5. The full and complete record would show the court that Petitioner has consistently pursued the claim of proximity to Macedonia Church and consistently argued and documented that he should not have been charged with the proximity charge and that Plea counsel was ineffective for failing to investigate in those regards.

WHEREFORE, in the interest of fairness and Judicial economy, the Petitioner respectfully requests that the court would allow leave to supplement the record and issue also an order which directs the Cherokee County Court to provide for the record, specifically all letters written by Petitioner to PCR Counsel, Steven D. Epps, which are filed under Petitioner's PCR case number and in its custody.

RULE 243(f)(1), SCACR, the Appendix shall contain the entire lower court records. The Appendix was composed by the Division of Appellate Defense, however, these filings in the lower court were not included in the Appendix, not by choice of the Petitioner.

Respectfully Submitted,



Alonzo C. Jeter, III
PETITIONER / Pro Se

Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

This 11th day of April, 2019
at Enoree, South Carolina.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Cherokee County
Honorable Robin B. Stilwell, Circuit Court Judge

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PETITIONER,

Alonzo Columbus Jeter, III,

v

STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served a true copy of both the, MOTION TO SUPPLEMENT RECORD AND MEMORANDUM IN SUPPORT and the SUPPLEMENTAL APPENDIX upon the Respondent by depositing the same in the United States Mail, postage prepaid, by and through the interagency mail room at Tiger River Correctional Institution by placing the same in the hands of Tiger River Correctional Institution's mail room personnel on this 11 day of April, 2019, addressed to: Vann Henry Gunter, Jr., Esquire, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, SC 29211.

SWORN and subscribed before me
this 11 day of April, 2019

John Dennis Cree

Notary Public for South Carolina

My Commission Expires: DEC. 10, 2019

Alonzo C. Jeter, III

Alonzo C. Jeter, III
PETITIONER / Pro Se

Tiger River Correctional Institution

200 Prison Road
Endree, SC 29335

April 11, 2019

Alonzo C. Jeter, III
Tiger River Correctional Institution
U-7-101 / #282902
200 Prison Road
Enoree, SC 29335

Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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APR 15 2019

SC Court of Appeals

RE: Alonzo C. Jeter, III, v State
Appellate Case No. 2017-001777


Dear Ms. Kitchings:

For filing in the above referenced PCR appeal, please find enclosed, the original and 6 (six) true copies of the MOTION TO SUPPLEMENT RECORD AND MEMORANDUM IN SUPPORT, 2 (two) copies of SUPPLEMENTAL APPENDIX, and CERTIFICATES OF SERVICES for the same.

Please also find enclosed, one (1) copy additional of the same along with a self-addressed stamped envelope. Please return to me by way of this SASE, filed-stamped copies of these documents.

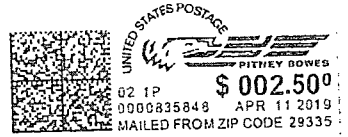
Thank you for your assistance in this matter.

Sincerely,


Alonzo C. Jeter, III
PETITIONER / Pro Se

cc: Vann Henry Gunter, Jr., Esquire
FILE

Alonzo C Jeter, III
Tyger River Correctional Institution
U-7-101 / #282902
200 Prison Road
Endree, SC 29335



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APR 11 2019
TYRCI MAILROOM

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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