

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case No.: 2017 - 001777

RECEIVED
JUN 10 2019
SC Court of Appeals

Alonzo Columbus Jeter, III,

PETITIONER,

V

State of South Carolina,

RESPONDENT.

**MOTION TO AMEND PETITION FOR
WRIT OF CERTIORARI
AND
TO ENLARGE PAGE LIMIT**

This matter is before the Court by way of an appeal from an order of the circuit court denying Petitioner's application for PCR. The PCR Court issued and filed with the Cherokee County Clerk of Court an order of dismissal on July 27, 2017, wherein Petitioner's application for post conviction relief was denied and dismissed with prejudice. A motion for reconsideration was filed by Petitioner's PCR counsel, Steven D. Epps, and was denied on August 16, 2017. A notice of appeal was filed with the Supreme Court of South Carolina on September 12, 2017. Petitioner was then appointed counsel, LaNelle Cantey DuRant, of the South Carolina Commission on Indigent Defense - Division of Appellant Defense. Attorney DuRant, filed a Petition for Writ of Certiorari and an Appendix on Petitioner's behalf with the South Carolina Supreme Court on June 6, 2018.

A motion to relieve counsel was filed by Petitioner on July 24, 2018, seeking to relieve attorney DuRant as counsel and leave to proceed in the matter pro se. This motion was granted on October 12, 2018, and all it was Petitioner was thereby granted leave to file a pro se petition for writ of certiorari and supplement the appendix as needed. Petitioner filed his pro se petition on November 2, 2018, and the Respondent filed its Return to the petition on February 15, 2019. The case was transferred to the South Carolina Court of Appeals pursuant to Rule 243(l) on February 27, 2019. Petitioner filed a ~~REPLY~~ to the Respondent's Return on March 6, 2019.

A motion to supplement the record and memorandum in support, and a supplemental appendix was filed on April 15, 2019. The motion was granted and the supplemental appendix accepted on May 17, 2019.

MOTION TO AMEND PETITION FOR WRIT OF CERTIORARI

Petitioner requests leave to amend the petition for writ of certiorari to include the issue and argument of Plea Counsel's ineffectiveness in failing to properly investigate the video and audio of the controlled buy(s). (The Amendment to the Petition is attached and is submitted along with this motion. This Amendment is not intended to abandon the initial submitted petition but to supplement and add this issue to the petition) The Petitioner shows the Court that this issue was discussed at Petitioner's PCR hearing even though not as sufficient as Petitioner would have liked, however, it was not ruled on by the PCR Court in its order due to PCR Counsel's Rule 71.1(d), SCRCP, error in failing to amend Petitioner's PCR application and PCR Counsel's further error and ineffectiveness in refusing to submit a Rule 59(E), 60(b), or 15(b) motion in regards of the issue.

Petitioner would show the Court App.p.52-App.p.53, App.p.83, lines 20-21, App.p.84 lines 3-4, App.p.97 line 19-App.p.98 line 5, App.p.98 lines 13-15, which are all discussions wherein this issue was raised in Petitioner's PCR hearing although not raised as sufficient as Petitioner would have liked. Also Petitioner would show the Court, App.p.191-208 and the entire Supplemental Appendix, which all demonstrates Petitioner's diligence and attempts to get this issue amended to his PCR application and ruled on by the PCR Court.

The Petitioner now seeks that this Court would address this issue as he realizes that this Court must be given opportunity to adjudicate regarding this issue and opportunity to correct the procedural default resulting from Petitioner's PCR counsel's Rule 71.1(d) error.

This issue was not originally included in the Petition for Writ of Certiorari due to Petitioner's loss of sense of direction in regards of the issue as PCR Counsel had failed him and appointed counsel of Indigent Defense also offered no solution as this counsel failed to include in the Appendix, the letters which were filed in the Cherokee County Clerk of Court's office under Petitioner's PCR number.

It is only by the Court's equitably allowing the Appendix to be supplemented that the Record would bear truth and witness of Petitioner's claims of PCR Counsel's multiple and cumulative Rule 71.1(d) errors and which will show and begin to provide the Court a clear view of PCR Counsel's lax representation and ineffectiveness.

Petitioner respectfully requests that the Court grant this motion to amend the petition for writ of certiorari and allow this issue to be added and argued. Petitioner emphasizes and shows the Court that this is a critical issue as it also addresses the problem(s) which arise when an attempt is made to apply an overwhelming analysis or assertion of credible trial strategy to Petitioner's case.

MOTION TO ENLARGE PAGE LIMIT


Petitioner requests leave to enlarge the page limit of the Petition for Writ of Certiorari. This enlargement is necessary as it will allow Petitioner to submit the argument regarding plea counsel's ineffectiveness in failing to properly investigate the video(s) of the controlled buy(s). *The argument is attached as the Amendment to Petition for Writ of Certiorari.*

Petitioner has submitted a Motion for Judicial Notice of the Supplemental Appendix, wherein he has attempted to ensure that the Court would take judicial notice of the supplemental appendix in reviewing his case and claims, particularly the Respondent's assertion that Petitioner has changed his argument, the Rule 71.1(d) errors, the overwhelming evidence analysis, and the assertion of credible trial strategy. Petitioner has shown the Court sufficient reason and the Court has allowed and accepted the supplemental appendix. Petitioner shows the Court that several procedural irregularities exist in his case. Petitioner's case is also a complex case which raises novel questions of law on matters wherein there is no precedent South Carolina case law.

CONCLUSION

WHEREFORE, the Petitioner respectfully request that this Court would grant the Motion to Amend Petition for Writ of Certiorari and Enlarge Page Limit, allowing Petitioner leave to address this issue and give the Court and opportunity for equitable review and to adjudicate and rule on these issues giving necessary relief. *The issue is argued, addressed and is submitted as attachment as Amendment to Petition for Writ of Certiorari.*

Respectfully Submitted,



Alonzo Columbus Jeter, III
PETITIONER / Pro Se

This 5th day of June, 2019.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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Alonzo Columbus Jeter, III,

PETITIONER,

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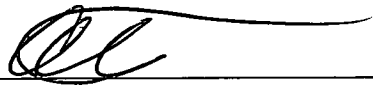
State of South Carolina,

RESPONDENT.

CERTIFICATE OF SERVICE

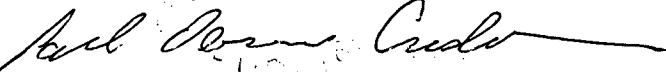
I, Alonzo C. Jeter, III, hereby certify that I have served a true copy of the *MOTION FOR JUDICIAL NOTICE OF SUPPLEMENTAL APPENDIX, MOTION TO AMEND PETITION FOR WRIT OF CERTIORARI AND TO ENLARGE PAGE LIMIT*, and *AMENDMENT TO PETITION FOR WRIT OF CERTIORARI* upon the Respondent by placing the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 6th day of June, 2019, for mailing via the United States Mail, addressed as follows: Vann Henry Gunter, Jr., Esquire, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

S/


Alonzo C. Jeter, III, #282902
PETITIONER PRO SE

Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

SWORN and Subscribed before me
This 6th day of JUNE, 2019



Notary Public for South Carolina
My Commission Expires: Mar. 10, 2024

June 5, 2019

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

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

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

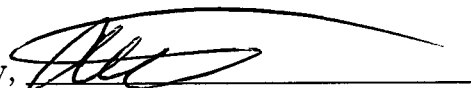
Dear Ms. Kitchings:

For filing in the above referenced PCR appeal, please find enclosed the original of the *MOTION FOR JUDICIAL NOTICE OF SUPPLEMENTAL APPENDIX, MOTION TO AMEND PETITION FOR WRIT OF CERTIORARI AND TO ENLARGE PAGE LIMIT, AMENDMENT TO PETITION FOR WRIT OF CERTIORARI* and *CERTIFICATE OF SERVICE* for the same.

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

Thank you for your assistance in this matter.

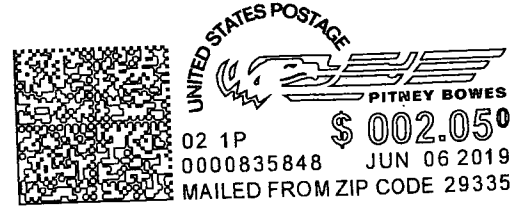
Sincerely,



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
Enoree, SC 29335



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

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