

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Cherokee County

Honorable R. Keith Kelly, Circuit Court Judge

ALONZO COLUMBUS JETER, III,

PETITIONER,

V

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO 2018-001471

APPENDIX

ALONZO COLUMBUS JETER, III

Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

PETITIONER

ALAN WILSON
Attorney General

JORDAN ADRAINE COX
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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June 13, 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

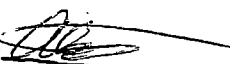
017CP-110486

RE: Post-Conviction Relief Application

Dear Ms. McBee:

Please find enclosed, one self-addressed stamped envelope, one original and one copy of Applicant's Application for Post-Conviction Relief and Certificate of Service. Please return to me a copy of Applicant's Application for Post-Conviction Relief and Certificate of Service, both bearing the Court's time stamp and Case Number by way of the enclosed SASE.

Thank you for your assistance in this matter.

Sincerely, 
Alonzo C. Jeter III
APPLICANT

JUN 13 2017 10:10

June 13, 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

017CP-110486

RE: Post Conviction Relief Application

Dear Ms. McBee:

Please find enclosed for filing, the Applicant's Application
for Post-Conviction Relief and Certificate of Service.

Thank you for your assistance in this matter.

Sincerely, Alonzo C Jeter III
Alonzo C Jeter III
PETITIONER

2017 JUN 19 A.M. 10

FILED

STATE OF SOUTH CAROLINA

3

County of Cherokee

Alonzo C Jeter, III
#282902

APPLICANT

V.

STATE OF SOUTH CAROLINA
RESPONDANT

IN THE COURT OF COMMON PLEAS

C/A No.:

017CP-110486

CERTIFICATE OF SERVICE

2017 JUN 19 AM 10:10

I, Alonzo Columbus Jeter, III hereby certify that I have this 13th day of June, 2017 Served Applicant's Post-Conviction Relief Application, upon the Cherokee County Clerk of Court; by depositing one(1) original and one(1) copy of the same in the U.S. MAIL (by and through the Perry Correctional Institution's Legal Mail System).

The following parties have been served at the below addresses:

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

Alan Wilson
South Carolina Attorney General
PO Box 11549
Columbia, SC 29211

S/Alonzo ✓

SWORN and Subscribed before me
this 13th day of June 2017
Notary: Nancy R. Murchan
Expires: 1-23-2023

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

STATE OF SOUTH CAROLINA

County of Cherokee

#282902

Alonzo Columbus Jeter III

Full name and prison number (if any) of Applicant

v.

State of South Carolina

IN THE COURT OF COMMON PLEAS

017CP-10486

APPLICATION FOR
POST-CONVICTION RELIEF

2011 SEP 19 AM 11:10

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Perry Correctional Institution
2. Name and location of Court which imposed sentence Cherokee County Court - General Sessions - Gaffney, SC
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 04-GS-11-926
 - (b) 04-GS-11-925

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
(a) October 12, 2004 - 3 Years Probation
(b) October 12, 2004 - 3 Years Probation
(c) _____
6. Check whether a finding of guilty was made:
(a) after a plea of guilty ✓
(b) after a plea of not guilty _____
(c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
NO
8. If you answered "yes" to (7), list:
(a) the name of each Court to which you appealed:
i. _____
ii. N/A
iii. _____
(b) the result in each such Court to which you appealed:
i. _____
ii. N/A
iii. _____
(c) the date of each such result:
i. _____
ii. N/A
iii. _____
(d) if known, citations of any written opinion or orders entered pursuant to such results:
i. _____
ii. N/A
iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
(a) There was no reason to appeal
(b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) Breach of Agreement between Attorney, Solicitor
- (b) and myself
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) My Offenses were to merge as only a 1st Offense
- (b) _____
- (c) _____
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. _____
- ii. _____
- iii. N/A
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. _____
- ii. N/A
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. N/A
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. N/A
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. N/A
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) Agreement between Attorney, Solicitor and I had not
- (b) been breached at the time
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YES
- (b) your trial, if any? _____
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. DON Thompson
- P.O. Box 8008
- ii. Gaffney, SC 29340

iii. _____

(b) the proceedings at which each such attorney represented you:

- i. Plea and Sentencing

ii. _____

iii. _____

19. State clearly the relief you seek in filing this application:
Indictment, Sentence Sheet and Plea corrected
Agreement between Solicitor, Attorney and myself
honored

20. Are you now under sentence from any other court that you have not challenged?
NO

STATE OF SOUTH CAROLINA)
County of Cherokee)

VERIFICATION

I, Alonzo Columbus Jeter III, #282902, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

[Signature]

SWORN to and subscribed before me this 8th
day of June, 2017.

Lamara Conwell (L.S.)
Notary Public

My Commission Expires: My Commission Expires
September 25, 2023

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Alonzo C Jeter III, #282902, hereby apply for leave to
proceed in this action without prepayment of fees or costs or security therefor. In support of my
application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give
security thereof.

[Signature] June 13, 2017
Applicant

SWORN or affirmed to and subscribed before me this
8th day of June, 2017.

Tamara Conwell
Notary Public

My Commission Expires: September 25, 2023



ALAN WILSON
ATTORNEY GENERAL

August 24, 2017

The Honorable M. Hope Blackley
Spartanburg County Clerk of Court
P.O. Box 3483
Spartanburg, SC 29304-3483

Re: Alonzo Jeter, #282902 v. State of South Carolina
2017-CP-11-0486

Dear Ms. Blackley:

Enclosed please find the original **Motion for Extension of Time to File Return** of the Respondent, in the above-captioned case, for filing in your office.

Sincerely,

Valerie Garcia Giovanoli
Assistant Attorney General

VGG/jaj
Enclosure

cc: Alonzo Jeter, #282902

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
ALONZO JETER	)	Case No.: 2017-CP-11-0486
S.C.D.C. No. 282902,	)	
	)	
Applicant,	)	
	)	MOTION FOR EXTENSION OF TIME
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Applicant in the above-captioned matter filed an application for post-conviction relief (PCR) on June 19, 2017. Respondent's Return was due on August 22, 2017.

Respondent requests a thirty-day extension of time from that date in which to submit a Return in this case. This request is not intended for the purpose of delay but is necessitated by my workload. Additionally, Respondent requests this extension to obtain the proper materials necessary for Respondent to submit an accurate and meaningful Return.

(Signature Block on Following Page)

Respectfully submitted,

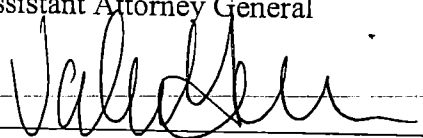
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

VALERIE GARCIA GIOVANOLI
Assistant Attorney General

By: _____


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

August 24, 2017

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

ALONZO JETER, #282902

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent.

IN THE COURT OF COMMON PLEAS

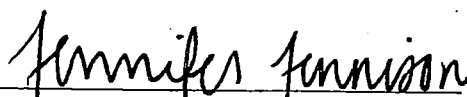
2017-CP-11-0486

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Motion of Extension of Time to File Return** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Alonzo Jeter, #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

DATED this 24th day of August, 2017.


Jennifer Jennison, Legal Assistant
For Respondent



ALAN WILSON
ATTORNEY GENERAL

September 22, 2017

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

Re: Alonzo C. Jeter, III, #282902 v. State of South Carolina
2017-CP-11-0486

Dear Ms. McBee:

Enclosed please find the original **Motion for Extension of Time to File Return and Motion to Dismiss** in the above-captioned case, for filing in your office.

Sincerely,

Valerie Garcia Giovanoli
Assistant Attorney General

VGG/lm
Enclosure

cc: Alonzo C. Jeter, III, #282902

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF CHEROKEE	)	
	)	
Alonzo C. Jeter, III,	)	Case No.: 2017-CP-11-0486
S.C.D.C. No. 282902,	)	
	)	
Applicant,	)	
	)	MOTION FOR EXTENSION OF TIME TO
v.	)	FILE RETURN AND MOTION TO DISMISS
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

This matter comes before the Court by way of an application for post-conviction relief filed by Applicant, Alonzo Columbus Jeter, III, on June 19, 2017, and received by Respondent on June 23, 2017. Respondent is due to file its Return to the application on September 22, 2017. See Rule 12(a), SCRCP (“[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.”).

This Motion is to respectfully request a 30-day extension to serve and file this Return. This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated by a heavy workload. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.).

WHEREFORE, Respondent moves to request the Court grant an extension of 30 days to file the Return to the application for post-conviction relief.

Respectfully submitted,

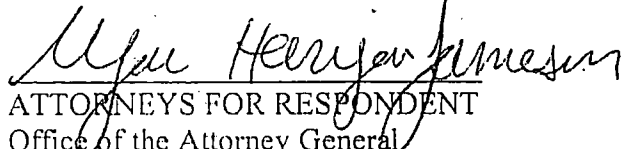
ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

VALERIE GARCIA GIOVANOLI
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

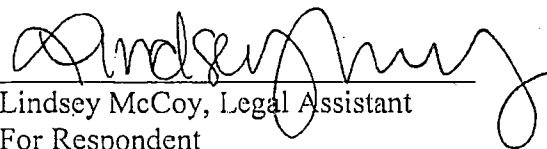
September 22, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE	)	
	)	
	)	2017-CP-11-0486
ALONZO C. JETER, III	)	
S.C.D.C. No. , 282902	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Motion of Extension of Time to File Return and Motion to Dismiss** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

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

DATED this 22nd day of September, 2017.


Lindsey McCoy, Legal Assistant
For Respondent



ALAN WILSON
ATTORNEY GENERAL

October 23, 2017

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
~~Post Office Drawer 2289~~
Gaffney, South Carolina 29342-2289

Re: Alonzo C. Jeter, III, #282902 v. State of South Carolina
2017-CP-11-0486

Dear Ms. McBee:

Enclosed please find the original **Motion for Extension of Time to File Return and Motion to Dismiss** in the above-captioned case, for filing in your office.

Sincerely,

Valerie Garcia Giovanoli
Assistant Attorney General

VGG/lm
Enclosure

cc: Alonzo C. Jeter, III, #282902

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF CHEROKEE	)	
	)	
Alonzo Columbus Jeter, III, #282902	)	Case No.: 2017-CP-11-0486
	)	
Applicant,	)	
	)	MOTION FOR EXTENSION OF TIME
v.	)	TO FILE RETURN AND MOTION TO
	)	DISMISS
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	

This matter comes before the Court by way of an application for post-conviction relief filed by Applicant, Alonzo Columbus Jeter, III, on June 19, 2017, and received by Respondent on June 23, 2017. Respondent is due to file its Return to the application on October 23, 2017. See Rule 12(a), SCRCP (“[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial.”).

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WHEREFORE, Respondent moves to request the Court grant an extension of 30 days to file the Return to the application for post-conviction relief.

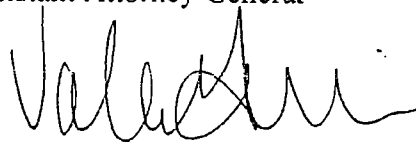
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

VALERIE GARCIA GIOVANOLI
Assistant Attorney General



By: _____

ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

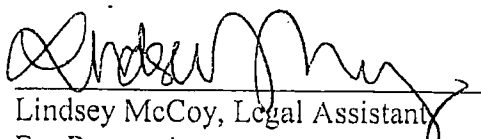
October 23, 2017

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE	)	
	)	
	)	2017-CP-11-0486
ALONZO C. JETER, III	)	
S.C.D.C. No. , 282902	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Motion of Extension of Time to File Return and Motion to Dismiss** on the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

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

DATED this 23rd day of October, 2017.


Lindsey McCoy, Legal Assistant
For Respondent



ALAN WILSON
ATTORNEY GENERAL

December 1, 2017

The Honorable Brandy W. McBee
Cherokee County Clerk of Court
Post Office Drawer 2289
Gaffney, South Carolina 29342-2289

Re: Alonzo Columbus Jeter, III, #282902 v. State of South Carolina
2017-CP-11-0486

Dear Ms. McBee:

Enclosed please find the original **Return and Motion to Dismiss** in the above-captioned case for filing in your office.

Sincerely,

Valerie Garcia Giovanoli
Assistant Attorney General

VGG/lm
Enclosure

cc: Alonzo Columbus Jeter, III, #282902

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

) IN THE COURT OF COMMON PLEAS
) IN THE SEVENTH JUDICIAL CIRCUIT
)

Alonzo Columbus Jeter, III, #282902,
Applicant,

) Case No.: 2017-CP-11-0486
)

v.

) **RETURN AND MOTION TO DISMISS**
)

State of South Carolina,
Respondent.

Respondent, making its Return to the application for post-conviction relief (PCR) filed by Alonzo Columbus Jeter ("Applicant") on June 19, 2017, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. Applicant was charged with two counts of possession of crack cocaine (2004-GS-11-0925; -0926). Applicant was represented by Public Defender Don Thompson, Esquire. Applicant waived presentment on both charges. On October 12, 2004, Applicant pleaded guilty as charged before the Honorable Roger L Couch. Judge Couch sentenced Applicant to imprisonment for concurrent terms of three years, suspended upon the service of time served and probation for three years. Applicant did not appeal his convictions or sentences.

II.

In his application for post-conviction relief, Applicant alleges he is being held unlawfully on the following grounds:

1. "Breach of agreement between attorney, solicitor, and myself."
 - a. "My offenses where to merge as only a first offense."

dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

IV.

Respondent requests that the claim of “breach of agreement between attorney, solicitor, and myself” be dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 to -160. An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20.

“Breach of agreement between attorney, solicitor, and myself” is not a claim cognizable under the act. Applicant’s contention that such a ground is impliedly created by S.C. Code Ann. § 17-27-90 is meritless, as that section does not pertain to *what* may be raised, but *how* valid grounds must be raised.

Even if the facts alleged by Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. PCR relief is only proper when the application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v.

of the Federal Habeas Corpus Act recognizes the doctrine of laches. The Rule states in pertinent part:

A petition may be dismissed if it appears that the state of which the Respondent is an officer has been prejudiced in its ability to respond to the Petition by delay in its filing unless the Petitioner shows that it is based on grounds of which he could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the state occurred.

Furthermore the South Carolina legislature has recognized this problem and instituted a one-year statute of limitations. See S.C. Code Ann. §17-27-45(a).

Applicant's delay has greatly prejudiced Respondent. It is questionable whether the attorneys will remember the case and whether their files will be available. Additionally, the transcript from Applicant's guilty plea is no longer available. If Applicant had sought post-conviction relief within a reasonable time after his conviction, neither of these problems would exist. Therefore, Respondent submits that this Application should be summarily dismissed based on Applicant's lack of diligence in processing his claim for relief.

VI.

Each and every allegation contained within the application not hereinbefore expressly admitted, qualified or explained is hereby denied.

VII.

WHEREFORE, Respondent moves to summarily dismiss the application because it was filed after the statute of limitations had expired, fails to state a claim cognizable under the Post-Conviction Relief Act, and is barred by the doctrine of *laches*.

[Signature block on following page]

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE	)	
	)	
	)	2017-CP-11-0486
	)	
ALONZO COLUMBUS JETER, III,	)	
#282902,	)	
	)	
Applicant,	)	
	)	
vs	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Motion to Dismiss** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

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

DATED this the 1st day of December, 2017.


Lindsey McCoy, Legal Assistant
For Respondent

December 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

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2017 DEC -8 AM 11:43
BRANDY W. MCBEE

Re: Motion for PCR Hearing, Motion for Appointment of Counsel,
Affidavit in Support of Motion for the Appointment of Counsel.
Case No. 2017-CP-11-0486
Dear Ms. McBee:

Please find enclosed, one self-addressed stamped envelope,
one original and one copy of Applicant's/Petitioner's Motion
for PCR Hearing, Motion for Appointment of Counsel, and
Affidavit in Support of Motion for the Appointment of
Counsel and Certificate of Service for these motions. Please
return to me a copy of these all bearing the Court's clock
time stamp by way of the enclosed SASE.

Thank You for your assistance in this matter.

Sincerely,


Alonzo C Jeter, III
APPLICANT/PETITIONER

RECEIVED

DEC 05 2017

P.C.I. MAILROOM

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have mailed Motion for PCR Hearing
Motion for Appointment of Counsel
Affidavit in Support of Motion for
the Appointment of Counsel
by placing the same in a postage-paid envelope and placed in the hands of
Perry Correctional Institution mailroom personnel to be mailed to the following
address:

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

The Honorable Alan Wilson
South Carolina Attorney General
P.O. Box 11549
Columbia, SC 29211

This 5th day of December 2017
at Pelzer, South Carolina

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2017 DEC -8 AM 11:43
BRANDY W. MCBEE

SWORN and Subscribed before me

this 5th day of December 2017 (C)

Tamara Conwell
Notary Public for South Carolina

My Commission Expires: My Commission Expires
September 25, 2023

S/ [Signature]

RECEIVED

DEC 05 2017

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo C. Deter, III
☒ Plaintiff,

IN THE Court of Common Pleas

CASE NO
2017-CP-11-0486

State of South Carolina
☐ Defendant.

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney: <u>Alonzo C. Deter, III, Pro Se</u> Bar No: _____		Defendant's Attorney: <u>Alan Wilson S.C.A.G.</u> Bar No: _____	
Address: <u>430 OAKLAWN ROAD</u>		Address: <u>PO Box 11549</u>	
<u>Pelzer, SC 29669</u>		<u>Columbia, SC 29211</u>	
Phone: _____	Fax: _____	Phone: _____	Fax: _____
E-mail: _____	Other: _____	E-mail: _____	Other: _____
☐ MOTION HEARING REQUESTED (attach written and complete SECTIONS I and III)			
☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)			
☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____ Court Reporter Needed: ☐ YES / ☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order

[Signature]
Signature of Attorney for ☒ Plaintiff / ☐ Defendant

December 5th, 2017
Date submitted

SECTION III: Motion Fee

☐ PAID - AMOUNT: _____

☒ EXEMPT: (check reason)

☐ Rule to Show Cause in Child or Spousal Support	☐ State Agency v. Indigent Party
☐ Domestic Abuse or Abuse and Neglect	☒ Post-Conviction Relief
☒ Indigent Status	☐ Motion for Execution (Rule 69, SCRCP)
☐ Sexually Violent Predator Act	
☐ Motion for Stay Bankruptcy	
☐ Motion for Publication	
☐ Proposed order submitted at request of the court; or,	
reduced to writing from motion made in open court per judge's instructions	

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE: _____

CODE: _____ Date: _____

CLERKS VERIFICATION

Collected by: _____ Date Filed: _____

☐ MOTION FEE COLLECTED: _____

☐ CONTESTED - AMOUNT DUE: _____

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

BRANDY W. MCREE
2017 DEC -8 AM 11:43

State of South Carolina

County of CHEROKEEAlonzo C. Jeter, III, #282902
Petitioner

V.

State of South Carolina,
Respondent.

Case No.: 2017-CP-11-0486

MOTION FOR Post-Conviction
RELIEF HEARING

The Petitioner, Alonzo C. Jeter, III, respectfully
motion this Honorable Court for a Post-Conviction Relief Hearing
to have his timely filed claims adjudicated.

1) Petitioner was convicted on October 12, 2004, in the
Cherokee County General Sessions Court on indictment
04-GS-11-926 & 04-GS-11-926

2) Petitioner is challenging a meritorious ^{14th} amendment
matter.

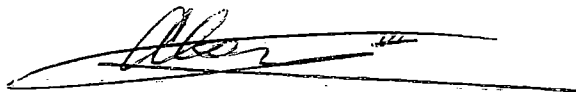
Wherefore, Petitioner request for a Post-Conviction Relief
hearing in a timely manner.

Petitioner request to be present at said hearing.

I, Alonzo C. Jeter, III, certify and verify under
the penalty of perjury that the foregoing is true and
correct 28 U.S.C.A. § 1746.

BRANDY W. MCBEE

2017 DEC -8 AM 11:43

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.


State of South Carolina

County of CHEROKEE

Alonzo C Jeter, III, #282902
Petitioner,

v.

State of South Carolina,
Respondent.

Case No.: 2017-CP-11-0486

MOTION FOR APPOINTMENT
OF COUNSEL

Alonzo C Jeter, III, hereby

respectfully request this Honorable Court to appoint counsel
to represent him in this *Post-Conviction Relief* relief hearing
for the following reasons:

- 1) The *Petitioner* is unable to afford counsel.
- 2) The issues in this case are complex.
- 3) The *Petitioner* does not have an attorney of record in
this court of common pleas.
- 4) The applicant has a limited knowledge of the law.

Relief-Request for Appointment of Counsel.

I, Alonzo C Jeter, III, certify and verify
under the penalty of perjury that the foregoing is true
and correct. 28 U.S.C.A. § 1746.

Alonzo C Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2017 DEC -8 AM 11:43

BRANDY W. MCBEE

State of South Carolina

County of CHEROKEE

Alonzo C. Jeter, III, #282722
Petitioner, Applicant

v.

State of South Carolina,
Respondent.

Case No. 2017-CP-11-0486

AFFIDAVIT IN SUPPORT
OF Petitioner's MOTION
FOR THE APPOINTMENT
OF COUNSEL

Alonzo C. Jeter, III, being duly sworn deposes and
says:

- 1) I am the Applicant/Petitioner in the above entitled case. I make this affidavit in support of my motion for appointment of counsel.
- 2) This is a complex case because it contains several legal claims that have merit.
- 3) The facts in this proceeding along with the legal merit of the Petitioner's claims support the appointment of counsel to represent the applicant.
- 4) Wherefore, the Petitioner's motion for the appointment of counsel should be granted.

I, Alonzo C. Jeter, III, certify and verify under the penalty of perjury that the foregoing is true and correct. 28 U.S.C.A. § 1746.

BRANDY W. MCREE

2017 DEC -8 AM 11:43

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

Alonzo C. Jeter, III

December 5, 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
Gaffney, SC 29342

RE: PCR-2017-CP-11-0486 - MEMORANDUM IN SUPPORT

Dear Ms. McBee:

Please find enclosed, one self-addressed stamped envelope, one original and one copy of Applicant's 'MEMORANDUM IN SUPPORT OF POST-CONVICTION RELIEF HEARING' and Certificate of Service. Please return to me a copy of applicant's memorandum in support of Post-Conviction Relief Hearing and Certificate of Service, both bearing the Court's time stamp and by way of the enclosed SASE.

Thank you for your assistance in this matter.

Sincerely,


Alonzo C. Jeter III
APPLICANT

RECEIVED

DEC 05 2017

P.C.I. MAILROOM

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2017 DEC - 8 AM 11:41
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA }
 County of CHEROKEE }
 Case No.: 2017-CP-11-0486 }

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT

Alonzo C Jeter, III, #282902 }
 APPLICANT/PETITIONER }

CERTIFICATE OF SERVICE

v
 State of South Carolina }
 RESPONDENT }

FILED IN OFFICE OF
 CLERK OF COURT
 CHEROKEE COUNTY, S.C.

2017 DEC -8 AM 11:41

BRANDY W. McBEE

I, Alonzo C Jeter, III, hereby certify that I have this 5th day of December, 2017 served Applicant's MEMORANDUM

IN SUPPORT OF POST-CONVICTION RELIEF HEARING upon the State of South Carolina; by depositing one (1) original and one (1) copy of the same in the U.S. mail (by and through the Perry Correctional Institution's legal mail system).

The following parties have been served at the below addresses:

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

Alan Wilson
 South Carolina Attorney General
 P.O. Box 11549
 Columbia, SC 29211

S/ Alonzo C Jeter, III

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

SWORN and Subscribed before me
 this 5th day of December, 2017

Tamara C. Conwell
 Notary Public for South Carolina
 My Commission Expires: September 25, 2023

RECEIVED

DEC 05 2017

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
County of CHEROKEE) SEVENTH JUDICIAL CIRCUIT
Case No.: 2017-CP-11-0486)
Alonzo C. Jeter, III, #282902) MEMORANDUM IN SUPPORT
APPLICANT/PETITIONER) OF POST-CONVICTION RELIEF
HEARING

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2017 DEC -8 AM 11:41

BRANDY W. MCBEE

STATEMENT OF THE CASE

AM11:41
MCBEE

Applicant filed an application for post-conviction relief on April 28, 2016, challenging the improper enhancement of his current charges. (Case No.: 2016-CP-11-0293). Note - A marijuana conviction cannot be used to enhance a methamphetamine charge. See Trial tr. 20, 11. 20 - shows the court that it was used. Applicant had a marijuana charge in 2013, titled on SLED report as a possession of a controlled substance. The State 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. The State was represented by Assistant Attorney General, Julie A. Coleman of the South Carolina Attorney General's Office. Judge Robin B. Stilwell presided over the hearing. At this hearing the Applicant testified and showed the PCR Court that a marijuana conviction was erroneously used to enhance the Applicant's current charges. The PCR Court agreed.

1.

Following the evidentiary hearing, a motion to Reopen the Record was filed by Assistant Attorney General Julie A. Coleman on April 27, 2017. Applicant objected to the motion and a hearing was held on June 30, 2017, at the Spartanburg County Courthouse. Judge Robin B. Stilwell presided over this hearing as well. The Court granted the motion to reopen the record and did allow the State to add to the record, additional documentation.

Two (2) sentencing sheets from the Cherokee County Courthouse were added to the record, which were for two (2) prior convictions for possession of less than a gram of crack cocaine. (2004-GS-11-925 and 2004-GS-11-926).

ARGUMENT

The Applicant pled guilty to these charges in 2004, and as a part of the agreement for the guilty plea, Applicant's then counsel Don Thompson, Esquire, explained that these charges would merge and count as a 1st Offense. During the guilty plea, the Judge confirmed what the Applicant's counsel stated as the Judge stated to the Applicant, "If you are charged again, you will be facing a 2nd offense conviction which carries up to 10 years in prison." When asked if he understood, the Applicant stated yes.

This plea agreement has been held and had not been breached until the hearing to reopen the record which was held on June 30, 2017.

The Applicant files this current application for Post Conviction relief based on this breach of agreement.

The PCR application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. 17-25-45

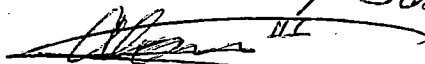
Where an applicant for PCR alleges in his application that results of his prior conviction still persist, even though sentence has been fully served, he is entitled to an evidentiary hearing to determine whether he has been prejudiced. McDuffie v State 277 SE2d 595

Jackson v State 489 SE2d 915 (1997) - Applicant who alleged that he was suffering continuing effects from his conviction had standing to bring action for post-conviction relief, despite fact that challenged conviction did not result in incarceration.

When considering the State's motion for summary dismissal of an application for post-conviction relief, a Judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the Applicant. Pelzer v State 662 SE2d 618 (2008) - 17-27-70 (6, c)

Shortly after making this discovery, Applicant now files this PCR application pursuant to the "discovery rule" in accordance with S.C. Code Ann. 17-27-45 (c); McCoy v State 737 SE2d 623 (2013); See also Coates v State 575 SE2d 557 (2003). And therefore this application for PCR is timely filed and an evidentiary hearing should be held with the appointment of counsel to assist the applicant in this matter because genuine issue of material fact exist and appointment of counsel as well as an evidentiary hearing is proper.

Respectfully Submitted,


 Alonzo C Jeter, III, #282902
 PETITIONER

430 OAKLAWN ROAD
 Pelzer, SC 29669

Pelzer, South Carolina
 December 5th, 2017

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP1100486

Alonzo Columbus Jeter, III
#282902

State Of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ 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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit);
☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRCP; ☐ 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: _____

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/ J. Derham Cole
Circuit Court Judge

2053
Judge Code

12/11/2017
Date

41

For Clerk of Court Office Use Only

This judgment was entered on 12/11/17, and a copy mailed first class or placed in the appropriate attorney's box on 12/11/17, to attorneys of record or to parties (when appearing pro se) as follows:

Alonzo Columbus Jeter, III, #282902
Perry Corr Inst Q1-B-215
430 Oaklawn Rd.
Pelzer, SC 29669

Alan McCrory Wilson
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Brandy W. McBee - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2017 DEC 11 PM 3:29
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III, #282902,
Applicant,

Case No.: 2017-CP-11-0486

v.

**CONDITIONAL ORDER OF
DISMISSAL**

State of South Carolina,
Respondent.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2017 DEC 11 AM 11:24
BRANDY W. MOORE

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Alonzo Columbus Jeter ("Applicant") on June 19, 2017. Respondent made its Return, requesting the application be summarily dismissed.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Cherokee County Clerk of Court. Applicant was charged with two counts of possession of crack cocaine (2004-GS-11-0925; -0926). Applicant waived presentment to the grand jury on both charges. Applicant was represented by Public Defender Don Thompson, Esquire. On October 12, 2004, Applicant pled guilty as charged before the Honorable Roger L. Couch. Judge Couch sentenced Applicant to imprisonment for concurrent terms of three years, suspended upon the service of time served and probation for three years. Applicant did not appeal his convictions or sentences.

CURRENT APPLICATION

In his current application for post-conviction relief, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. "Breach of agreement between attorney, solicitor, and myself."
 - a. "My offenses where to merge as only a first offense."

Before this Court are the Cherokee County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, the PCR application and the Respondent's Return and Motion to Dismiss.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

The Court finds that this application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Applicant was sentenced on October 12, 2004 and did not file a direct appeal. The application was therefore due on October 13, 2005. This application was filed on June 19, 2017, well beyond the statutory filing period. Therefore, the application shall be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

Failure to State a Claim

This Court finds that the claim of "breach of agreement between attorney, solicitor, and myself" be dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 to -160. An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20.

"Breach of agreement between attorney, solicitor, and myself" is not a claim cognizable under the act. Applicant's contention that such a ground is impliedly created by S.C. Code Ann. § 17-27-90 is meritless, as that section does not pertain to *what* may be raised, but *how* valid grounds must be raised.

Even if the facts alleged by Applicant are true, these facts do not support a cognizable claim for post-conviction relief under any of the statutory grounds. PCR relief is only proper when the application collaterally attacks the validity of the conviction or sentence. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (2000). These issues are improper for post-conviction relief because they could have been raised on direct appeal and are procedurally barred by S.C. Code

Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). Applicant could have raised this issue on appeal. His failure to do so has waived this allegation as a ground for relief.

For these reasons and pursuant to Rule 12(b)(6), SCRCP, this Court dismisses the Application for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

Laches

Additionally, this Court finds the application is barred under the doctrine of *laches*. Applicant has filed this Application almost eighteen years after he was convicted and sentenced. The doctrine of *laches* bars Applicant from raising these allegations in a post-conviction relief application. Absent some explanation or justification for the delay in seeking post-conviction relief, *laches* will prevent an Applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to refute the Applicant's claims. McElrath v. State, 276 S.C. 282, 277 S.E.2d 890 (1981); Honeycutt v. Ward, 612 F.2d 36 (2d Cir. 1979); Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002).

To ensure finality of litigation, our courts require reasonable diligence in pursuing collateral relief. This requirement "guards the state's legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available." McElrath, 276 S.C. at 283. Rule 9(a) of the Federal Habeas Corpus Act recognizes the doctrine of *laches*. The Rule states in pertinent part:

A petition may be dismissed if it appears that the state of which the Respondent is an officer has been prejudiced in its ability to respond to the Petition by delay in its filing unless the Petitioner shows that it is based on grounds of which he could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the state occurred.

Furthermore the South Carolina legislature has recognized this problem and instituted a one-year statute of limitations. See S.C. Code Ann. §17-27-45(a).

Applicant's delay has greatly prejudiced Respondent. It is questionable whether the attorneys will remember the case and whether their files will be available. Additionally, the transcript from Applicant's guilty plea is no longer available. If Applicant had sought post-conviction relief within a reasonable time after his conviction, neither of these problems would exist. Therefore, this Court finds the application shall be summarily dismissed based on Applicant's lack of diligence in processing his claim for relief.

[Conclusion and Signature on Following Page]

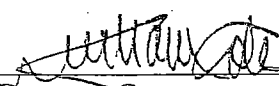
CONCLUSION

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Cherokee County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Valerie Giovanoli, Esquire
PCR Division – 7th Circuit
P.O. Box 11549
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Cherokee County Clerk of Court and opposing counsel within twenty (20) days, and that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 7 day of December, 2017.



J. DERHAM COLE
Chief Administrative Judge
Seventh Judicial Circuit 

_____, South Carolina

STATE OF SOUTH CAROLINA
County of CHEROKEE

Alonzo Columbus Jeter, III
#282902

APPLICANT

v

State of South Carolina
RESPONDENT

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-11-0486

CERTIFICATE OF SERVICE

I, Alonzo C Jeter, III, hereby certify that I have this 12th day of December, 2017, served applicants Objection To Conditional Order of Dismissal upon the State of South Carolina; by depositing one (1) original and one (1) copy of the same in the U.S. Mail (by and through the Perry Correctional Institutional Legal Mail System).

The following parties have been served at the below addresses:

Office of the Attorney General
Attn: Valerie Giovanoli, Esquire
PCR Division - 7th Circuit
PO Box 11549
Columbia, SC 29211

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

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

BRANDY W. MCBEE

2017 DEC 18 AM 8:47

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

Sworn and Subscribed before me
this 12th day of December, 2017

Nancy C. Michau
Notary Public for South Carolina
My Commission Expires:
1-23-2023

RECEIVED

DEC 12 2017

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo Columbus Jeter, III
#282902

APPLICANT

v

State of South Carolina
RESPONDENT

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-11-0486

OBJECTION TO CONDITIONAL
ORDER OF DISMISSAL

2017 DEC 18 AM 8:17

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC

ANDY W. MCBEE

This matter comes before the Court by way of an application for Post-Conviction Relief filed by the Applicant on June 19, 2017. Respondent made its Return requesting that the application be summarily dismissed.

Procedural History

Applicant pled guilty to two counts of possession of less than a gram of crack cocaine. (2004-GS-11-0925 & 2004-GS-11-0926). On October 12, 2004, Applicant was represented by Public Defender, Don Thompson, Esquire in Cherokee County. Applicant was sentenced to three years, suspended upon the service of time served and probation for three years. Applicant did not appeal his convictions or sentences.

Current Application

Applicant filed this PCR Application based on Ineffective assistance of Counsel and breach of agreement.

The Applicant objects to page #2 of the Proposed Conditional Order of Dismissal for the following reason:

Findings of fact and conclusion of law have not been set out in the record as it took place. Applicant filed an application for post-conviction relief in reference of other charges on April 28, 2016 (Case No.: 2016-CP-11-0293). An evidentiary hearing was convened on March 20, 2017 at the Spartanburg County Courthouse. At this hearing, the Applicant challenged improper enhancement of his current charges. The Applicant testified and showed the PCR Court that a marijuana conviction was erroneously used to enhance the Applicant's current charges. The PCR Court agreed. The State introduced no other evidence which would show the Court that the Applicant's current charges should be enhanced.

Following the evidentiary hearing, a Motion to Reopen the Record was filed by Assistant Attorney General Julie A. Coleman on April 27, 2017. Applicant objected to the motion and a hearing was held on June 30, 2017, at the Spartanburg County Courthouse. The Court granted the motion to reopen the record and did allow the State to add to the record additional documentation.

Two (2) sentencing sheets from the Cherokee County Courthouse were added to the record, which were for two (2) prior convictions for possession of less than a gram of crack cocaine (2004-GS-11-925 and 2004-GS-11-926). At this reopening of the record, the Applicant learned that the State chose to unmerge his prior convictions.

Entitled to File for Post-Conviction Relief

The PCR Application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when

the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. 17-25-45

Jackson v State 489 S.E.2d 915 (1997) - Applicant who alleged that he was suffering continuing effects from his conviction had standing to bring action for post-conviction relief, despite fact that challenged conviction did not result in incarceration.

Applicant's claim was discovered on June 30, 2017 and he has filed his application for post-conviction relief, well within the year timeline and statute of limitations set for newly discovered evidence. Therefore, this claim/case should not be summarily dismissed.

Failure to State A Claim

Applicant objects to page #3 of the proposed conditional order of dismissal, as he would state a claim of Ineffective Assistance of Counsel; Breach of plea agreement. Applicant reserves the right to amend his PCR application and has amended his application to reflect his claim of Ineffective Assistance of Counsel and Breach of plea agreement. Applicant commences his post-conviction relief action on the following grounds:

That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice; and
That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under

any common law, statutory or other writ, motion, petition proceeding or remedy.

Applicant request that this Honorable Court construe his pleadings liberally and that he be held to less stringent standards than formal pleadings drafted by lawyers. Applicant's case/claims should not be summarily dismissed because of unfamiliarity with pleading requirements. Applicant asks that the Court would appoint an attorney to assist him in this action.

When considering the state's motion for summary dismissal of an application for post-conviction relief, a judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the Applicant. Pelzer v State 662 S.E.2d 618 (2008).

where an applicant for PCR alleges in his application that results of his prior conviction still persist, even though sentence has been fully served, he is entitled to an evidentiary hearing to determine whether he has been prejudiced. McDuffie v State 277 S.E.2d 595

Jones v State 470 S.E.2d 110 (1996) - Petitioner has standing to petition for post-conviction relief if he is in custody or the results of his prior conviction still persist.

Laches

Applicant objects to the Respondent's defense of laches, because

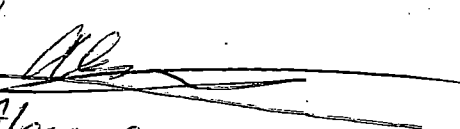
The Assistant Attorney General, and not the Applicant, opened the door to the claim which the Applicant files. As stated above, this claim was discovered on June 30, 2017, by the act of the assistant Attorney General's unmerging of the Applicant's prior charges. Proet resides in the Applicant's ~~Guilty~~ Guilty plea transcripts on page 20/20 that these charges were merged until the AAG chose to unmerge them.

Applicant has shown that he files this current PCR application based on grounds of which he could not have had knowledge of by the exercise of reasonable diligence before the circumstances prejudicial to the State occurred.

Conclusion

Applicant has shown and provided specific reasons why this PCR Application should not be summarily dismissed, opposing the Respondent's defenses.

Respectfully Submitted,


Alonzo C Jeter III
APPLICANT

This 12th day of December, 2017
at Pelzer, South Carolina

STATE OF SOUTH CAROLINA }
COUNTY OF CHEROKEE }

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
#282902

Case No.: 2017-CP-11-0486

APPLICANT

CERTIFICATE OF SERVICE

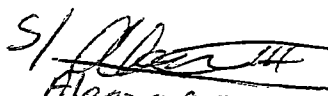
v

State of South Carolina
RESPONDENT

I, Alonzo C. Jeter, III, hereby certify that I have this 12th day of December, 2017, served Applicant's Amendment to Post-Conviction Relief Application upon the State of South Carolina; by depositing one (1) original and one (1) copy of the same in the U.S. Mail (by and through the Perry Correctional Institution's Legal Mail System). The following parties have been served at the below addresses:

Office of the Attorney General
Attn: Valerie Giovanoli, Esquire
PCR Division - 7th Circuit
PO Box 11549
Columbia, SC 29211

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

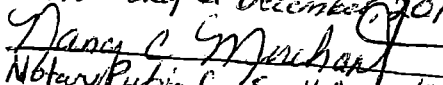

Alonzo C. Jeter, III
Perry Correctional Institution
430 OAKLAWN ROAD
Pelzer, SC 29669

BRANDY W. MOBBE

2017 DEC 18 AM 8:48

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC

SWORN and Subscribed before me
this 12th day of December, 2017


Nancy C. Merchant
Notary Public for South Carolina
My Commission Expires
1-23-2023

RECEIVED

DEC 12 2017

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

Alonzo Columbus Jeter, III
#282902

APPLICANT

v
State of South Carolina
RESPONDENT

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No: 2017-CP-11-0486

AMENDMENT TO POST
CONVICTION RELIEF
APPLICATION

BRANDY W. MCREE

2017 DEC 18 AM 8:48

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

The applicant hereby amends answers to number ¹⁰ ~~9~~, number ¹¹ ~~10~~, and number 19 of his Application for Post-Conviction Relief to state the following:

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(A) Ineffective Assistance of Counsel - The Applicant was denied effective assistance of counsel, in violation of the Sixth Amendment of the United States Constitution and Article I, Section 14 of The South Carolina Constitution.

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(A) My offenses were to merge as only a first offense. There exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice; That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error

heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy

19. State clearly the relief you seek in filing this Application:
Indictment, Sentence Sheet and Plea corrected. Agreement
between Solicitor, Attorney and myself honored. Sentence
Corrected & Vacated.

Respectfully Submitted, Alonzo C Jeter III
Alonzo C Jeter III
APPLICANT
430 OAKLAWN ROAD
Pelzer, SC 29669

This 12 day of December, 2017
at Pelzer, South Carolina

December 19, 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
Gaffney, SC 29342

Re: PCR-2017-CP-11-0486 - Petitioner's Response to Conditional
Order of Dismissal

Dear Ms. McBee:

Please find enclosed, one self-addressed stamped envelope, one original and one copy of Petitioner's Response to Conditional Order of Dismissal and Certificate of Service. Please return to me a copy of Petitioner's Response to Conditional Order of Dismissal and Certificate of Service, both bearing the Court's time stamp by way of the enclosed SASE.

Thank you for your assistance in this matter.

Sincerely, Alonzo C. Jeter, III
Alonzo C. Jeter, III
Applicant

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2017 DEC 27 AM 11:35
BRANDY W. MCBEЕ

December 19, 2017

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

2017 DEC 27 AM 11:35

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

BRANDY W. HCBEE

The Honorable J. Derham Cole
Chief Judge - 7th Circuit
Post Office Box 1744
Spartanburg, South Carolina 29304-1744

Re: Alonzo Columbus Jeter, III, #282902 v State of South
Carolina - PCR Case, 2017-CP-11-0486

Dear Judge Cole:

Enclosed, please find Petitioner's Response to Conditional Order of Dismissal, Amendment to PCR Application, Memorandum in Support of Post-Conviction Relief Hearing, Motion for Appointment for Counsel and Affidavit in Support of Motion for Appointment of Counsel all in reference to the above case number and all have been filed with the Cherokee County Clerk of Court. These filings, which I submit, should cure any deficiencies.

Sincerely, Alonzo Jeter
Alonzo C Jeter, III
APPLICANT

cc: Valerie Grovanoli - Assistant Attorney General

STATE OF SOUTH CAROLINA)
County of CHEROKEE)

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
#282902

APPLICANT

V

State of South Carolina
RESPONDENT

Case No.: 2017-CP-11-0486
PETITIONER'S
RESPONSE TO CONDITIONAL
ORDER OF DISMISSAL

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2017 DEC 27 AM 11:38

BRANDY W. HEBB

This matter comes before the Court by way of an application for Post-Conviction Relief filed by the Applicant on June 19, 2017. Respondent made it's Return requesting that the Application be summarily dismissed.

Procedural History

Applicant pled guilty to two counts of possession of less than a gram of crack cocaine. (2004-GS-11-0925 & 2004-GS-11-0926), on October 12, 2004. Applicant was represented by Public Defender, Don Thompson, Esquire in Cherokee County. Applicant was sentenced to three years, suspended upon the service of time served and probation for three years. Applicant did not appeal his convictions or sentences.

Current Application

Applicant filed this PCR Application based on Ineffective assistance of counsel and breach of plea agreement. The Applicant objects to page #2 of the Proposed Conditional Order of Dismissal for the following reason:

Findings of fact and conclusion of law have not been set out in the record as it took place. Applicant filed an application for post-conviction relief in reference of other charges on April 28, 2016 (Case No.: 2016-CP-11-0293). An evidentiary hearing was convened on March 20, 2017, at the Spartanburg County Courthouse. At this hearing, the Applicant challenged improper enhancement of his current charges. The Applicant testified and showed the PCR Court that a marijuana conviction was erroneously used to enhance the Applicant's current charges. The PCR Court agreed. The State introduced no other evidence which would show the Court that the Applicant's current charges should be enhanced.

Following the evidentiary hearing, a Motion to Reopen the Record was filed by Assistant Attorney General, Julie A. Coleman on April 27, 2017, at the Spartanburg County Courthouse. The Court granted the motion to reopen the record and did allow the State to add to the record additional documentation.

Two (2) sentencing sheets from the Cherokee County Courthouse were added to the record, which were for two (2) prior convictions for possession of less than a gram of crack cocaine (2004-GS-11-925 and 2004-GS-11-926). At this reopening of the record, the Applicant learned that the State chose to unmerge his prior convictions.

Entitled to File for Post-Conviction Relief

The PCR Application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the

exercise of reasonable diligence SC Code Ann. 17-25-45

Jackson v State, 489 S.E.2d 915 (1997) - Applicant who alleged that he was suffering continuing effects from his conviction had standing to bring action for post-conviction relief, despite fact that challenged conviction did not result in incarceration. Applicant's claim was discovered on June 30, 2017 and he has filed his application for post-conviction relief, well within the year timeline and statute of limitations set for newly discovered evidence. Therefore, this claim/case should not be summarily dismissed.

Failure to State a Claim

Applicant objects to page #3 of the proposed conditional order of dismissal, as he would state a claim of Ineffective Assistance of Counsel and breach of plea agreement. Applicant reserves the right to amend his PCR application and has amended his application to reflect his claim of Ineffective Assistance of Counsel and breach of plea agreement. Applicant commences his post-conviction relief action on the following grounds:

That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice; and

That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion,

petition, proceeding or remedy.

Applicant request that this Honorable Court construe his pleadings liberally and that he be held to less stringent standards than formal pleadings drafted by lawyers. Applicant's case/claims should not be summarily dismissed because of unfamiliarity with pleading requirements. Applicant asks that the Court would appoint an attorney to assist him in this action.

When considering the State's motion for summary dismissal of an application for post-conviction relief, a Judge must assume facts presented by an applicant are true and view these facts in the light most favorable to the Applicant. Pelzer v State 662 SE2d 618 (2008).

Where an applicant for PCR alleges in his application that results of his prior conviction still persist, even though sentence has been fully served, he is entitled to an evidentiary hearing to determine whether he has been prejudiced. McOutlier v State 277 SE2d 595.

Jones v State 470 SE2d 110 (1996) - Petitioner has standing to petition for post-conviction relief if he is in custody on the results of his prior conviction still persist.

Laches

Applicant objects to the Respondent's defense of laches because the Assistant Attorney General, and not the Applicant,

opened the door to the claim which the Applicant files. As stated above, this claim was discovered on June 30, 2017, by the act of the assistant Attorney General's unmerging of the Applicant's prior charges. Proof resides in the Applicant's Guilty plea transcripts on page 201120 that these charges were merged until the AAG chose to unmerge them.

Applicant has shown that he files this current PCR application based on grounds of which he could not have had knowledge of by the exercise of reasonable diligence before the circumstances prejudicial to the State occurred.

Conclusion

Applicant has shown and provided specific reasons why this PCR Application should not be summarily dismissed, opposing the Respondent's defenses.

Respectfully submitted, Alenzer C. Jeter, III
Alenzer C. Jeter, III
APPLICANT

This 19 day of December, 2017
at Pelzer, South Carolina

STATE OF SOUTH CAROLINA
County of CHEROKEE

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
#282902

Case No: 2017-CP-11-0486

APPLICANT/PETITIONER

CERTIFICATE OF SERVICE

v

State of South Carolina
RESPONDENT

BRANDY W. MCBEE

2017 DEC 27 AM 11:36

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

I, Alonzo C. Jeter, III, hereby certify that I have this 19th day of December, 2017 served Petitioner's Response to Conditional Order of Dismissal upon the State of South Carolina by depositing one (1) original and one (1) copy of the same in the U.S. Mail (by and through the Perry Correctional Institution's legal mail system).

The following parties have been served at the below addresses:

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

Office of the Attorney General
Attn: Valerie Giovanoli, Esquire
PCR Division - 7th Circuit
P.O. Box 11549
Columbia, South Carolina 29211

RECEIVED

DEC 19 2017

P.C.I. MAILROOM

S/ Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Perry Correctional Institution
430 OAKLAWN ROAD
Petzer, SC 29669
PETITIONER

Sworn and Subscribed before me
this 19 day of December, 2017

Lamara Conwell
Notary Public for South Carolina
My Commission Expires
My Commission Expires
September 25, 2023

January 2, 2018

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 Blvd.
Gaffney, SC 29342-2289

Re: Alonzo C. Jeter, III, #282902 v State of South Carolina
2017-CP-11-0486

Dear Ms. McBee:

Please find enclosed, one self-addressed stamped envelope,
one original and one copy of Motion For Extension of Time
and Certificate of Service, all for filing. Please return to me
file-stamped copies of these by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely, Alonzo C. Jeter, III
Alonzo C. Jeter, III
APPLICANT

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JAN -5 AM 10:46
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
County of CHEROKEE

Alonzo C. Jeter, III, #282902
APPLICANT
v

State of South Carolina
RESPONDENT

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-11-0486

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have this 2nd day of January, 2018, served a copy of the Motion For Extension Of Time upon the State of South Carolina, by depositing one original and one copy of the same in the U.S. Mail, (by and through the Perry Correctional Institution's Legal mail system).

The following parties have been served at the below addresses:

Office of the Attorney General
Attn: Valerie Giovanoli, Esquire
PCR Division - 7th Circuit
P.O. Box 11549
Columbia, SC 29211

The Honorable Brandy W. McBee
Clerk, Cherokee County Court
Post Office Drawer 2889
125 E. Floyd Baker Blvd.
Gaffney, SC 29342

S/ Alonzo C. Jeter, III ✓

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

Sworn and subscribed before me
this 2nd day of January, 2018
Dan C. Murchant
Notary Public for South Carolina
My Commission Expires: 1-23-2023

BRANDY W. MCBEE

2018 JAN -5 AM 10:46

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC

COUNTY OF CHEROKEEAlonso C. Jeter, III, #282902☒ Plaintiff,

v.

State of South Carolina☐ Defendant.IN THE Court of Common Pleas 67CASE NO 2017-CP-11-0486Motion for Extension of TimeMOTION AND ORDER INFORMATION
FORM AND COVER SHEET

Plaintiff's Attorney:

Alonso C. Jeter, III, Pro'scBar No: N/AAddress: 430 OAKLAWN ROADPelzer, SC 29669

Phone: _____

Fax: _____

E-mail: _____

Other: _____

Defendant's Attorney:

Valerie Grovonek, Esquire

Bar No: _____

Address: P.O. Box 11549Columbia, SC 29211

Phone: _____

Fax: _____

E-mail: _____

Other: _____

- ☐ MOTION HEARING REQUESTED (attach written and complete SECTIONS I and III)
- ☒ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____

Estimated Time Needed: _____

Court Reporter Needed: ☐ YES / ☐ NO

SECTION II: Motion/Order Type

☒ Written motion attached☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order

Signature of Attorney for ☒ Plaintiff / ☐ DefendantDate submitted: January 2, 2018

SECTION III: Motion Fee

☐ PAID - AMOUNT: _____☒ EXEMPT:

(check reason)

- ☐ Rule to Show Cause in Child or Spousal Support
- ☐ Domestic Abuse or Abuse and Neglect
- ☒ Indigent Status ☒ State Agency v. Indigent Party
- ☐ Sexually Violent Predator Act ☒ Post-Conviction Relief
- ☐ Motion for Stay Bankruptcy
- ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
- ☐ Proposed order submitted at request of the court; or,
- reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.☐ Other: _____

JUDGE _____

CODE: _____

Date: _____

CLERKS VERIFICATION

Collected by: _____

Date Filed: _____

☐ MOTION FEE COLLECTED: _____☐ CONTESTED - AMOUNT DUE: _____FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC

2018 JAN -5 AM 10:46

ANDY W. MCBELE

STATE OF SOUTH CAROLINA
County of CHEROKEE

Alonzo Columbus Jeter, III
#282902

APPLICANT

v

State of South Carolina
RESPONDENT

IN THE COURT OF COMMON PLEAS
For The SEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-11-0486

MOTION FOR EXTENSION OF
TIME

BRANDY W. DOBBLE

2018 JAN -5 AM 10:46

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC

This matter comes before the Court by way of an application for post-conviction relief filed by Applicant, Alonzo Columbus Jeter, III, on June 19, 2017, and received by Respondent on June 23, 2017. Respondent made its Return, requesting the application be summarily dismissed. A Conditional Order of Dismissal was filed on December 11, 2017, and received by Applicant on December 15, 2017.

This Motion is to respectfully request a 20 day extension to serve and file specific reasons, factual and legal, why the application should not be dismissed in its entirety and show why the Order should not become final. This extension request is not intended for the purpose of delay. Rather, this extension request is necessitated due to the Applicant's inability to make the necessary copies to file with the Court and serve opposing counsel. This inability is due to the appropriate officer of the SC Dept of Corrections which is to make legal copies being on vacation and will not return until January 2, 2018.

WHEREFORE, Applicant moves to request the Court grant an extension of 20 days to file and serve these specific reasons and evidence.

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

This 2nd day of January, 2018
at Pelzer, South Carolina

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JAN -5 AM 10:46
BRANDY M. NOBLE



ALAN WILSON
ATTORNEY GENERAL

70 282702
RECEIVED

DEC 21 2017

December 19, 2017

GENERAL COUNSEL

Barton J. Vincent, General Counsel
Attn: Jonathan Eckstrom
South Carolina Department of Corrections
4444 Broad River Road
Columbia, South Carolina 29221-1787

Re: Alonzo Columbus Jeter, III, #282902 v. State of South Carolina
2017-CP-11-0486

Dear Mr. Vincent:

Enclosed please find the **Conditional Order of Dismissal** in the above-captioned inmate's post-conviction relief application. Please serve the inmate, **Alonzo Columbus Jeter, III, #282902** with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

Valerie Garcia Giovanoli
Assistant Attorney General

VGG/lm

Enclosures

FILED IN OFFICE OF
CLERK OF COURT
CHERKEL COUNTY, SC
2018 JAN -5 AM 10:46
BRANDY W. MOBLE

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated _____ (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)

COUNTY OF Greenville)

AFFIDAVIT OF PERSONAL SERVICE

On this 2nd day of January, ²⁰¹⁸~~2017~~, I served the Conditional Order of Dismissal, on Inmate Alonzo Columbus Jeter, III, SCDC Inmate #282902 by delivering personally and leaving a copy of the same at PERRY Correctional Institution. Deponent is not a party to this action.

s/ Tamara Conwell ✓

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 2nd day of January, ²⁰¹⁸~~2017~~

Nancy C. Marchant (L.S.)
Notary Public for South Carolina

My Commission Expires: 1-23-2023

BRANDY W. MCBEE

2018 JAN -5 AM 10:46

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal is admitted at the South Carolina Department of Corrections (Perry Correctional Institution),

Greenville County, SC this 2nd day of January, ²⁰¹⁸~~2017~~

s/ Alonzo Jeter III ✓
Inmate

SCDC Inmate #: 282902

January 2, 2018

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 Blvd.
Gaffney, SC 29342

Re: Alonzo Columbus Jeter, III, #282902 v State of South
Carolina - PCR Case - 2012-CP-11-0486

Dear Ms. McBee:

Please find enclosed, one self-addressed stamped envelope, letter to Judge Cole, Affidavit of Authentication, Criminal Background Reports, SLED NCIC Report, Court Transcript and Certificate of Service, all for filing. Please return to me file-stamped copies of these by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely, Alonzo C Jeter, III
Alonzo C Jeter, III
APPLICANT

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JAN -5 AM 11:18
BRANDY W. MCDIE

January 2, 2018

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

The Honorable J. Derham Cole
Chief Judge - 7th Circuit
Post Office Box 1744
Spartanburg, SC 29304-1744

RE: Alonzo Columbus Jeter, III, #282902 v State of South
Carolina - PCR Case - 2017-CP-11-0486

Dear Judge Cole:

Please find enclosed Criminal Background Reports, SLED NCIC
Report, Court Transcripts, Affidavit of Authentication and
Certificate of Service.

Thank you for your assistance in this matter.

Sincerely, Alonzo C Jeter, III
Alonzo C Jeter, III
APPLICANT

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JAN -5 AM 11:18
BRANDY W. MOORE

STATE OF SOUTH CAROLINA | IN THE COURT OF COMMON PLEAS
County of CHEROKEE | IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
#282902

APPLICANT

Case No.: 2017-CP-11-0486

V

STATE OF SOUTH CAROLINA
RESPONDENT

AFFIDAVIT OF AUTHENTICATION
IN ACCORDANCE WITH RULE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC
2018 JAN -5 11:11 AM
BRANDY M. LEE

I, Alonzo C. Jeter, III, do hereby certify that the following records/reports which I submit are true and correct copies of official records and reports which are filed in the Cherokee County Sheriff's Office and the South Carolina Law Enforcement Division - NCIC. I submit the following records:

1. Cherokee County Criminal History report dated 11/18/2013
2. Cherokee County Criminal History report dated 11/13/2013
3. Cherokee County Criminal History report dated 10/25/2011
4. NCIC Report dated 4/6/2015 & 4/16/2014
5. General Sessions - Cherokee County - Court transcripts dated 7/16/2015

I declare under penalty of perjury that the foregoing is true and correct.

S/ Alonzo C. Jeter, III ✓

This 2nd day of January, 2018
at Pelzer, South Carolina

SWORN and Subscribed before me
this 2nd day of January, 2018
Nancy C. Merchant
Notary Public for South Carolina
MY Commission Expires: 1-23-2023

STATE OF SOUTH CAROLINA
County of CHEROKEE

Alonzo Columbus Jeter, III
#282902

APPLICANT

V

State of South Carolina
RESPONDENT

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2017-CP-11-0486

CERTIFICATE OF SERVICE

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2018 JAN -5 AM 11:19

BRANDY W. McBEE

I, Alonzo C Jeter, III, hereby certify that I have this 2nd day of January, 2018, served Applicant's Criminal Background Reports, SLED NCIC Report, Court Transcripts and AFFIDAVIT of AUTHENTICATION upon the State of South Carolina, by depositing, postage paid, in the U.S. Mail (by and through the Perry Correctional Institution's Legal mail system).

The following parties have been served at the below addresses:

Office of the Attorney General
Attn: Valerie Giovannoli, Esquire
PCR Division - 7th Circuit
PO Box 11549
Columbia, SC 29211

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

S/ Alonzo C Jeter, III ✓

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

SWORN and Subscribed before me
this 2nd day of January, 2018

Gray C. McFarland
Notary Public for South Carolina
My Commission Expires 1-23-2023



ICHR 003F012AD2 from SCCH

CHKS0469
.ICHR.003F012AD2.SCCH.20140416 10:33:11
TO: CHKS0469-59 20140416 10:33:11 003F012AD2
FROM: SCCH-76498 20140416 10:22:40

ICHR REQUEST FOR RAP SHEET
ORI-SC0110000 FBI-693754XA2 PUR-C
ATN-PIRKEYC

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-04/16/2014 TIME-10:20:58
REQ ORI-SC0110000 CHEROKEE CNTY SO
SID-SC01007162 FBI-693754XA2
NAME-JETER, ALONZO COLUMBUS III SEX-M RACE-B
HEIGHT-601 WEIGHT-155 EYES-BRO HAIR-BLK SKIN-DRK BORN-SC
FPC-AACIAA08AAAA10TT06TT HENRY- 8 17AWA-A
1AUT-T

PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--05/23/1995 DATE OF LAST UPDATE--12/21/2012

ADDITIONAL IDENTIFIERS NAME	BIRTH DATES	MARKS	SOC SEC	MISC NUM
JETER, ALONZO	[REDACTED]	SC L EYE	[REDACTED]	
JETER, ALONZO III	[REDACTED]		[REDACTED]	
JETER, ALONZO COLUMBUS	[REDACTED]		[REDACTED]	
JETER, BOBO	[REDACTED]		[REDACTED]	
JETER, ALONZO C III	[REDACTED]		[REDACTED]	
JETER, ALONZO C	[REDACTED]		[REDACTED]	
JETER, ALONZO COLMBUS	[REDACTED]		[REDACTED]	

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
JETER, ALONZO COLUMBUS III SC0110200 GAFFNEY PD WARR-E379905 @	04/19/1995

ARREST CHARGE 01-TRAFFICKING
CRACK COCAINE
OFFENSE DATE-04/19/1995
PHOTOGRAPH AVAILABLE

CIT-56-1-1100-FELONY
DOC-00GS11
WARR-57325BY

TRAFFIC OFFENDER
COURT CHARGE 01-HABITUAL
TRAFFIC OFFENDER
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-06/18/2003
ATN-

CIT-56-5-2940(2)-MISDEMEANOR
DOC-03GS1100397
WARR-57323BY

COURT CHARGE 02-DRIVING UNDER
THE INFLUENCE - 2ND OFFEN
SE
COURT DISP-CONVICTED;1 YR &
\$3000 SUSP 90 DAYS & \$1000
CTS 50 DAYS 2 YRS PROB
50PDF
COURT DATE-06/17/2003

CIT-56-5-2940(2)-MISDEMEANOR
WARR-57323BY

COURT CHARGE 03-DRIVING UNDER
THE INFLUENCE - 2ND OFFEN
SE

CIT-56-1-460-MISDEMEANOR
WARR-57324BY

COURT DISP-CONVICTED;GUILTY
COURT DATE-11/19/2003

COURT CHARGE 04-DUS (LICENSE
NOT SUSP DUI)-3RD OR MORE
COURT DISP-CONVICTED;GUILTY

SC040015G CENTRAL PPP
CASE-110000
CIT-56-5-2940(2)-MISDEMEANOR
WARR-57323BY

06/17/2003 CUSTODY STATUS-PROBATION
START DATE-06/17/2003

COURT CHARGE 01-DRIVING UNDER
THE INFLUENCE - 2ND OFFEN
SE
COURT DISP-CONVICTED;1Y &
\$3000 PROVIDED ON 90D &
\$1000 PLUS CC BAL SUSPENDE
D;PROBATION 2Y;SPEC CONDIT
IONS
COURT DATE-06/17/2003
ATN-

JETER, ALONZO COLUMBUS
SC0110000 CHEROKEE CNTY SO
ATN-
WARR-H005434
CIT-16-21-60 (A)-MISDEMEANOR

01/29/2004

ARREST CHARGE 01-USE OF VEHIC
LE WITHOUT PERMISSION W/I
DEPRIVE
PHOTOGRAPH AVAILABLE

WARR-27489CR
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 02-DUS (LICENSE
NOT SUSP DUI)-3RD OR MORE

CIT-16-21-60 (A)-MISDEMEANOR
DOC-00GS11
WARR-H005434

COURT CHARGE 01-USE OF VEHICL
E WITHOUT PERMISSION W/I
DEPRIVE
COURT DISP-NON-CONVICTION;

78

CIT-16-21-60 (A) -MISDEMEANOR
WARR-H005434

NOLLE PROSSED
COURT DATE-04/14/2004
ATN-

COURT CHARGE 02-USE OF VEHICL
E WITHOUT PERMISSION W/I
DEPRIVE
COURT DISP-NON-CONVICTION;
DISMISSED
COURT DATE-04/14/2004

CIT-56-1-460-MISDEMEANOR
WARR-27489CR

COURT CHARGE 03-DUS (LICENSE
NOT SUSP DUI)-3RD OR MORE
COURT DISP-CONVICTED;GUILTY

JETER, ALONZO COLUMBUS
SC0110200 GAFFNEY PD
ATN-110000000916
WARR-H004830
CIT-44-53-370 (D) (3) -MISDEMEANOR

09/03/2004

ARREST CHARGE 01-POSS 28G OR
LESS MARIJ OR 10G OR LESS
HASH 1ST
OFFENSE DATE-09/03/2004

WARR-H004830
CIT-44-53-445 (B) (2) -FELONY

ARREST CHARGE 02-DIST, SELL, ET
C, CRACK COCAINE; OR PWID,
NR SCHOOL
OFFENSE DATE-09/03/2004

CIT-44-53-375 (A) -FELONY
DOC-04GS1100926
WARR-H004830

COURT CHARGE 01-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED; 3YRS &
5000 SUSP, CTS 3YRS PROB CC
COURT DATE-10/12/2004
ATN-110000000916

CIT-44-53-370 (D) (3) -MISDEMEANOR
WARR-H004830

COURT CHARGE 02-POSS 28G OR
LESS MARIJ OR 10G OR LESS
HASH 1ST
COURT DISP-CONVICTED;GUILTY
COURT DATE-10/12/2004

SC040015C SC DEPT CORRECTIONS
CASE-062820
CIT-56-5-2940 (2) -MISDEMEANOR

06/28/2005 CUSTODY STATUS-RECEIVED
START DATE-06/28/2005

COURT CHARGE 01-DRIVING UNDER
THE INFLUENCE - 2ND OFFEN
SE
COURT DISP-CONVICTED; 5 MOS
COURT DATE-06/28/2005
ATN-500100010619

CIT-44-53-375 (A) -FELONY

COURT CHARGE 02-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED; 2 YRS CC
COURT DATE-06/28/2005

CIT-44-53-375(A)-FELONY

COURT CHARGE 03-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED;2 YRS CC
COURT DATE-06/28/2005

JETER, ALONZO COLUMBUS
SC0110000 CHEROKEE CNTY SO
CASE-20061201
ATN-110000005363
WARR-H854986
CIT-44-53-370(D)(4)-MISDEMEANOR

11/30/2006

ARREST CHARGE 01-POSS 28G/LES
S MARIJ/10G OR LESS HASH
2ND/SUB
OFFENSE DATE-11/30/2006

CIT-44-53-370(D)(4)-MISDEMEANOR
DOC-R84
WARR-H854986

COURT CHARGE 01-POSS 28G OR
LESS MARIJ/10G OR LESS
HASH 1ST
COURT DISP-CONVICTED;SENTENCE
UNKNOWN
ATN-110000005363

JETER, ALONZO COLUMBUS
SC0420100 SPARTANBURG PD
CASE-05004707
ATN-422100120160
WARR-84667DY
CIT-56-1-1100-FELONY

05/02/2007

ARREST CHARGE 01-HABITUAL
TRAFFIC OFFENDER
OFFENSE DATE-05/02/2007
PALM PRINTS AVAILABLE

WARR-84666DY
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 02-DUS (LICENSE
NOT SUSP DUI)-3RD OR MORE
OFFENSE DATE-05/02/2007

WARR-84665DY
CIT-56-5-212-MISDEMEANOR

ARREST CHARGE 03-UNLAWFUL
TURNING
OFFENSE DATE-05/02/2007

SC042015G SPARTANBURG PPP
CASE-SC0420
END OF PAGE

06/29/2007 CUSTODY STATUS-PROBATION
START DATE-06/29/2007

02 - PAGE 03 TO FOLLOW

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHEROKEE) IN THE COURT OF GENERAL SESSIONS
3
4 THE STATE)
5 -vs-) TRANSCRIPT OF RECORD
6 ALONZO JETER, III,,) 2014-GS-11-00591
7 DEFENDANT.) 2015-GS-11-00461
8) 2015-GS-11-00462
9) 2015-GS-11-00463
10) 2015-GS-11-00464
11) 2015-GS-11-00465
12) JULY 16, 2015
13) GAFFNEY, SOUTH CAROLINA
14
15
16
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18
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20
21
22
23
24
25

B E F O R E:

THE HONORABLE LEE S. ALFORD, JUDGE.

A P P E A R A N C E S:

CLIFF SAMS, ASSISTANT SOLICITOR
ATTORNEY FOR THE STATE

CHRIS KENNEDY, ESQUIRE
ATTORNEY FOR THE DEFENDANT

MICHAEL R. WATTS
CIRCUIT COURT REPORTER

1 him time spent on home detention. I don't have that
2 specific figure, but I would ask the court to consider to do
3 that as well.

4 THE COURT: Any comment on that, solicitor?

5 MR. SAMS: As far as home detention? No, the
6 State would not -- would not agree with the home detention
7 as part of the negotiation.

8 MR. KENNEDY: Well, I didn't -- I don't want him
9 to be on home detention. It's just that pursuant to the
10 law, if he's --

11 THE COURT: No, he's wanting me to give him credit
12 for his time served.

13 MR. SAMS: Oh, I'm sorry, I was not listening
14 properly, Your Honor. The State doesn't take a position on
15 that.

16 THE COURT: Okay. Well, I will give him credit
17 for that, just --

18 MR. KENNEDY: I'll get you the time.

19 THE COURT: -- get me the time.

20 MR. KENNEDY: Yes, sir.

21 THE COURT: I'll need the actual amount, if you
22 want me to put it on here. Otherwise, all I'm doing is just
23 checking off the block for the credit for time served.

24 MR. KENNEDY: Yes, sir.

25 THE COURT: Put the time in here and they'll

1 the offenses to which it would enhance these on him.

2 MR. SAMS: Yes, sir.

3 Marijuana, of course, wouldn't enhance it.

4 However, starting in '05, there was a possession
5 of -- it was either methamphetamine or crack cocaine. There
6 were -- there was one of those in '05.

7 And '06 -- no, I'm sorry. That's another
8 marijuana itself.

9 So that was an '05 possession of either meth or
10 crack.

11 And then a '13 possession of a controlled
12 substance. That was a second offense at that time.

13 THE COURT: So he's got two either crack or meth?

14 MR. SAMS: Yes, sir.

15 THE COURT: Okay.

16 MR. SAMS: Well, one of them was a controlled
17 substance and one of them was crack or meth. That would run
18 under the statute. Either one would --

19 THE COURT: I understand, but actually I
20 understood you to say there were two possession of crack or
21 two of those.

22 MR. SAMS: No, I misspoke. I believe it was one.
23 I had looked at a marijuana charge and thought it was two of
24 the crack or meth.

25 THE COURT: Okay.

CERTIFICATE

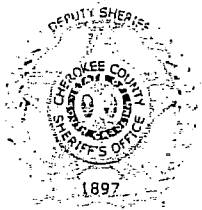
I, the undersigned, Michael R. Watts, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for CHEROKEE County, South Carolina, on the 16th day of July, 2015.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 3, 2016

Michael R. Watts

Michael R. Watts
Circuit Court Reporter



Steve Mueller
Sheriff of Cherokee County
312 East Frederick Street
Gaffney, South Carolina 29340
PHONE: (864)489-4722



84

I hereby give my consent to a complete records check and further request that all information concerning my arrest(s) and/or conviction(s) be furnished.

Alonzo Jeter III
(NAME)

[REDACTED]
(SOCIAL SECURITY NUMBER)

[REDACTED]
(DATE OF BIRTH)

11/18/2013 11:43:57 AM
(DATE)

South Carolina IDENTIFICATION CARD

JETER ALONZO COLUMBUS III

GAFFNEY SC 293413211

ID# [REDACTED]

DOB: [REDACTED]

Issued: 11-13-2013

Expires: 11-13-2018

Sex: M

Weight: 190

Height: 6-02

NOT A DRIVER'S LICENSE

10-12-1971

page 1 of 2

THIS IS TO CERTIFY THE ABOVE NAMED SUBJECT:

- ☐ Does Not Have a Criminal History in Cherokee County
- ☒ Does Have a Criminal History in Cherokee County

5-7-96 A&B/E687401/GUILTY 5-24-96

5-12-97 Providing false info to police/90424AL/guilty bt time served 6-3-97

6-25-00 DUS/67324BC/guilty forf /7/5/00

5-7-01 Simple poss marij/68271BC/time served 9-3-01

5-7-01 Dus 5th/68272BC/time served 9-3-01

5-7-01 Disregarding stop sign/68270BC/time served 9-3-01

5-7-01 Failure to stop for blue light/68271BC/time served 9-3-01

5-7-01 Operating uninsured vehicle/68273BC/time served 9-3-01

2-24-02 CDV/H001623/guilty plea 3-27-02

4-28-03 DUI 2nd/57323BY/guilty 90 days 11-19-03

4-28-03 DUS 7TH/Guilty 6 mo/11-19-03

1-29-04 DUS 3rd/27489CR/guilty plea/4-13-14

1-29-04 Breach of Trust/H005602/guilty plea 4-08-04

9-04-04 Simple poss marijuana/H004829/guilty plea 9-29-04

9-04-04 PWID crack cocaine/H004830/pled to poss of cocaine-3 yrs prob 10-12-04

11-30-06 Simple poss marijuana/H854986/pled guilty/ time served 8-18-08

2-08-08 Simple poss marijuana/97413DV/guilty bt 3-13-08

19

85

2-08-08 DUS/97414DV/guilty bt 3-13-08

2-08-08 Habitual Offender/97415DV/pled guilty, 5 yrs, 1 yr susp 2 yrs prob 8-18-08

2-20-13 PWID marijuana/2013a1110100617/Pled to poss marijuana/guilty 8-15-13

THIS CRIMINAL HISTORY WAS MADE BY THE
ONLY CONVICTS MADE BY THE
CHEROKEE COUNTY SHERIFF'S OFFICE

*This report reflects the Criminal History of the above named subject only within the Jurisdiction of Cherokee County South Carolina. Other State and Local Criminal History reports must be obtained through S.L.E.D. and the City of Gaffney respectively.

Page 2 of 2

Lorna Barrett
Records and Identification Bureau
312 East Frederick Street
Gaffney, South Carolina 29340

South Carolina SC • U.S.A. IDENTIFICATION CARD ID

JETER ALONZO COLUMBUS III ID# [REDACTED]

GAFFNEY SC 293413211

DOB: [REDACTED]
Issued: 11-13-2013
Expires: 11-13-2018
Sex: M
Weight: 190
Height: 6-02

NOT A DRIVER'S LICENSE

GOVERNOR [Signature]

10-12-1917



Steve Mueller
Sheriff of Cherokee County
312 East Frederick Street
Gaffney, South Carolina 29340
PHONE: (864)489-4722



86

I hereby give my consent to a complete records check and further request that all information concerning my arrest(s) and/or conviction(s) be furnished.

Alonzo C Jeter III
(NAME)

(SOCIAL SECURITY NUMBER)

(DATE OF BIRTH)

11/13/2013
(DATE)

South Carolina IDENTIFICATION CARD

JETER, ALONZO COLUMBUS III

GAFFNEY SC 293413211

DOB: [REDACTED]

Issued: 11-13-2013

Expires: 11-13-2018

Sex: M

Weight: 190

Height: 6-02

NOT A DRIVER'S LICENSE

THIS IS TO CERTIFY THE ABOVE NAMED SUBJECT:

- ☐ Does Not Have a Criminal History in Cherokee County
- ☒ Does Have a Criminal History in Cherokee County

05/07/96 A&B/E687401/guilty 05/24/96

05/12/97 Providing false info to police/90424AL/guilty bt time served 06/03/97

06/25/00 DUS/67324BC/guilty forf 07/05/00

05/07/01 Simple poss marijuana/68274BC/time served 09/03/01

05/07/01 DUS 5th/68272BC/time served 09/03/01

05/07/01 Disregarding stop sign/68270BC/time served 09/03/01

05/07/01 Failure to stop for blue light/68271BC/time served 09/03/01

05/07/01 Operating uninsured vehicle/68273BC/time served 09/03/01

02/24/02 CDL/H001623/guilty plea/03/27/02

04/28/03 DUS 2nd/57323BY/guilty 90 days 11/19/03

04/28/03 DUS 6th/57324BY/guilty 6 months 11/19/03

01/29/04 DUS 3rd/27489OR/guilty plea 04/13/04

01/29/04 Breach of trust/H005602/guilty plea 04/08/04

09/04/04 Simple poss marijuana/H004829/guilty plea 09/29/04

03/04/04 PWID crack cocaine/H004830/3 yrs & \$5,000 susp CTS/3 yrs prob 10/12/04

11/30/06 Simple poss marijuana/H854986/pled guilty/ time served 08/18/08

02/08/08 Simple poss/97413DV/guilty bt 03/13/08

87

02/08/08 DUS/97414DV/guilty bt 03/13/08

02/08/08 Habitual Offender/97415DV/pled guilty, 5 yrs susp 1 yrs susp 2 yrs prob 08/18/08

12-20-2012/PWID/MARLJ/2012A1110100617/GUILTY/08-15-2013

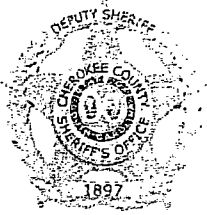
POSS

**This report reflects the Criminal History of the above named subject only within the Jurisdiction of Cherokee County South Carolina. Other State and Local Criminal History reports must be obtained through S.L.E.D. and the City of Gaffney respectively.*

Patricia J. Henderson
Records and Identification Bureau
312 East Frederick Street
Gaffney, South Carolina 29340

Page of

THIS CRIMINAL HISTORY CONTAINS
ONLY CONVICTIONS MADE BY THE
CHEROKEE COUNTY SHERIFF'S OFFICE.



Steve Mueller
 Sheriff of Cherokee County
 312 East Frederick Street
 Gaffney, South Carolina 29340
 PHONE: (864)489-4722



88

I hereby give my consent to a complete records check and further request that all information concerning my arrest(s) and/or conviction(s) be furnished.

Alonzo C Jeter III
 (NAME)

(SOCIAL SECURITY NUMBER)

(DATE OF BIRTH)

10/25/2011 1:03:57 PM

(DATE)

SOUTH CAROLINA
 DEPARTMENT OF MOTOR VEHICLES
 IDENTIFICATION CARD

JETER ALONZO COLIMBUS III

SPARTANBURG SC 293063932

NOT A DRIVER'S LICENSE

Sex: M Hgt: 6-01 Wgt: 191

DOB: [REDACTED]
 Issued: 02-20-2007 42042 R 4

DL# [REDACTED]
 Expires: 02-20-2012



Page 1 of 2

THIS IS TO CERTIFY THE ABOVE NAMED SUBJECT:

- ☐ Does Not Have a Criminal History in Cherokee County
- ☒ Does Have a Criminal History in Cherokee County

05/07/96 A&B/E687401/guilty 05/24/96

05/12/97 Providing false info to police/90424AL/guilty bt time served 06/03/97

06/25/00 DUS/67324BC/guilty for 07/05/00

05/07/01 Simple poss marijuana/68274BC/time served 09/03/01

05/07/01 DUS 5th/68272BC/time served 09/03/01

05/07/01 Disregarding stop sign/68270BC/time served 09/03/01

05/07/01 Failure to stop for blue light/68271BC/time served 09/03/01

05/07/01 Operating uninsured vehicle/68273BC/time served 09/03/01

02/24/02 CDV/H001623/guilty plea/03/27/02

04/28/03 DUI 2nd/57323BY/guilty 90 days 11/19/03

04/28/03 DUS 7th/57324BY/guilty 6 months 11/19/03

01/29/04 DUS 3rd/27489CR/guilty plea 04/13/04

01/29/04 Breach of Trust/H005602/guilty plea 04/08/04

04/04 Simple poss marijuana/H004829/guilty plea 09/29/04

09/04/04 PWID crack cocaine/H004830/3 yrs & \$5,000 susp CTS/3 yrs prob 10/12/04

11/30/06 Simple poss marijuana/H854986/pled guilty/ time served 08/18/08

02/08/08 Simple poss/97413DV/guilty bt 03/13/08

1/1

89

02/08/08 DUS/97414DV/guilty bt 03/13/08

02/08/08 Habitual Offender/97415DV/pled guilty, 5 yrs susp 1 yrs susp 2 yrs prob 08/18/08

*This report reflects the Criminal History of the above named subject only within the Jurisdiction of Cherokee County South Carolina. Other State and Local Criminal History reports must be obtained through S.L.E.D. and the City of Gaffney respectively.

THIS CRIMINAL HISTORY CONTAINS
ONLY CONVICTIONS MADE BY THE STATE
CHEROKEE COUNTY SHERIFF'S OFFICE

Page 1 of 1

Records and Identification Bureau
312 East Frederick Street
Gaffney, South Carolina 29340

SOUTH CAROLINA
DEPARTMENT OF MOTOR VEHICLES
IDENTIFICATION CARD

PETER ALONZO COLUMBUS III
SPARTANBURG SC 293063932

DL#: [REDACTED]
Expires: 02-20-2012

NOT A DRIVER'S LICENSE
Hgt: 6-01 Wgt: 191
Sex: M DOB: [REDACTED]
Issued: 02-20-2007 42042 R 4

[Signature]



90

CIT-44-53-375(A)-FELONY

COURT CHARGE 03-POSS LESS
THAN ONE GRAM COCAINE/CRAZY
COCAINE 1ST
COURT DISP-CONVICTED; 2 YRS CC
COURT DATE-06/28/2005

Not A
Conviction
Notice No
Warrant No.

JETER, ALONZO COLUMBUS
SC0110000 CHEROKEE CNTY SO
CASE-20061201
ATN-110000005363
WARR-H854986
CIT-44-53-370(D) (4)-MISDEMEANOR

11/30/2006

I Do Not have 3 Prior convictions
Only 1

ARREST CHARGE 01-POSS 28G/LES
S MARIJ/10G OR LESS HASH
2ND/SUB
OFFENSE DATE-11/30/2006

CIT-44-53-370(D) (4)-MISDEMEANOR
DOC-R84
WARR-H854986

COURT CHARGE 01-POSS 28G OR
LESS MARIJ/10G OR LESS
HASH 1ST

COURT DISP-CONVICTED; SENTENCE
UNKNOWN

ATN-110000005363

JETER, ALONZO COLUMBUS
SC0420100 SPARTANBURG PD
CASE-05004707
ATN-422100120160
WARR-84667DY
CIT-56-1-1100-FELONY

05/02/2007

ARREST CHARGE 01-HABITUAL
TRAFFIC OFFENDER
OFFENSE DATE-05/02/2007
PALM PRINTS AVAILABLE

WARR-84666DY
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 02-00S (LICENSE
NOT SUSP DUI)-3RD OR MORE
OFFENSE DATE-05/02/2007

WARR-84665DY
CIT-56-5-212-MISDEMEANOR

ARREST CHARGE 03-UNLAWFUL
TURNING
OFFENSE DATE-05/02/2007

SC042015G SPARTANBURG PPP
CASE-SC0420
END OF PAGE

06/29/2007 CUSTODY STATUS-PROBATION
START DATE-06/29/2007

02 - PAGE 03 TO FOLLOW

CIT-16-21-60(A)-MISDEMEANOR
WARR-H005434

NOLLE PROSSED
COURT DATE-04/11/2004
ATN-

COURT CHARGE 02-USE OF VEHICLE
WITHOUT PERMISSION W/I
DEPRIVE
COURT DISP-NON-CONVICTION;
DISMISSED
COURT DATE-04/14/2004

CIT-56-1-460-MISDEMEANOR
WARR-27489CR

COURT CHARGE 03-DUI (LICENSE
NOT SUSP DUI)-3RD OR MORE
COURT DISP-CONVICTED;GUILTY

JETER, ALONZO COLUMBUS
SC0110200 GAFFNEY PD
ATN-110000000916
WARR-H004830

09/03/2004

CIT-44-53-370(D) (3)-MISDEMEANOR

ARREST CHARGE 01-POSS 28G OR
LESS MARIJ OR 10G OR LESS
HASH 1ST
OFFENSE DATE-09/03/2004

WARR-H004830
CIT-44-53-445(B) (2)-FELONY

ARREST CHARGE 02-DIST, SELL, ET
C, CRACK COCAINE, OR PWID,
NR SCHOOL
OFFENSE DATE-09/03/2004

CIT-44-53-375(A)-FELONY
DOC-04GS1100926
WARR-H004830

COURT CHARGE 01-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED; 3YRS &
5000 SUSP CTS 3YRS PROB CC
COURT DATE-10/12/2004
ATN-110000000916

CIT-44-53-370(D) (3)-MISDEMEANOR
WARR-H004830

COURT CHARGE 02-POSS 28G OR
LESS MARIJ OR 10G OR LESS
HASH 1ST
COURT DISP-CONVICTED;GUILTY
COURT DATE-10/12/2004

SC040015C SC DEPT CORRECTIONS 06/28/2005 CUSTODY STATUS-RECEIVED
CASE-062820
CIT-56-5-2940(2)-MISDEMEANOR
START DATE-06/28/2005

CIT-44-53-375(A)-FELONY

COURT CHARGE 01-DRIVING UNDER
THE INFLUENCE - 2ND OFFEN
SE
COURT DISP-CONVICTED; 5 MOS
COURT DATE-06/28/2005
ATN-500100010619

COURT CHARGE 02-POSS LESS
THAN ONE GRAM ICE/CRACK
COCAINE 1ST
COURT DISP-CONVICTED; 2 YRS CC
COURT DATE-06/28/2005

Not A
Conviction
Notice, No
Warrant No



State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

J. Derham Cole
Judge

180 Magnolia Street, 2nd Floor
Spartanburg, SC 29306

January 5, 2018

Mr. Alonzo Jeter, III
Q1-B-215/ #282902
Perry Correctional Institution
430 Oaklawn Road
Pelzer, South Carolina 29669

Dear Mr. Jeter:

Our office is in receipt of several letters of correspondence from you. This is to inform you I have forwarded your mail to the office of Judge Keith Kelly who is now the Common Pleas Administrative Judge for 2018 in the 7th Circuit. Please address any further correspondence to him at the Spartanburg Court House, 180 Magnolia Street, Spartanburg, SC 29306.

Sincerely,

Clerk

March 14, 2018

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
Gaffney, SC 29342

RE: Amendment to Post-Conviction Relief Application - 2017-CL-11-0486

Dear Ms. McBee:

Please find enclosed, one self-addressed stamped envelope, one original and one copy of Applicant's Amendment to Post-Conviction Relief Application and Certificate of Service. Please return to me a copy of Applicant's Amendment to Post-Conviction Relief Application 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

2018 MAR 20 AM 11:16
BRANDY W. MCBEE
CLERK OF COURT
CHEROKEE COUNTY, SC

STATE OF SOUTH CAROLINA | IN THE COURT OF COMMON PLEAS
COUNTY OF CHEROKEE | IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
#282902

APPLICANT

Case No. 2017-CP-11-0486

State of South Carolina
RESPONDENT

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have this 14th day of March, 2018, served Applicant's Amendment to Post-Conviction Relief Application upon the State of South Carolina; by depositing one (1) original and one (1) copy of the same in the U.S. mail (by and through Perry Correctional Institution's Legal Mail system).

The following parties have been served at the below addresses:

Office of the Attorney General
Attn: Valerie Giovanoli, Esquire
PCR Division - 7th Circuit
PO Box 11549
Columbia, SC 29211

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

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

SWORN and Subscribed before me
this 14th day of March, 2018.
Dancy C. Merchant
Notary Public for South Carolina
My Commission Expires: 1-23-2023

BRAHMAN

2018 MAR 20 AM 11:16

STATE OF SOUTH CAROLINA | IN THE COURT OF COMMON PLEAS
 COUNTY OF CHEROKEE | IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
 #282902

APPLICANT

Case No.: 2017-CP-11-0486

AMENDMENT TO POST CONVICTION
 RELIEF APPLICATION

State of South Carolina
 RESPONDENT

2018 MAR 20 AM 11:15
 BRANIFF

The applicant hereby amends answers to number 10, number 11, of his application for post-conviction relief to state the following: Note - the applicant does not wish to abandon any ground, fact, or relief seeking that he has previously asserted. Note also - the applicant reserves the right to amend his application for post-conviction relief in accordance with Rule 71.1(d).

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 (B) Ineffective Assistance of Counsel - Lack of Subject Matter Jurisdiction

11. State concisely and in the same order the facts which support each of the grounds set out in (10):
 (B) The Court lacked subject matter Jurisdiction to accept my plea.

Indictment^(s) were not "True Billed"

Respectfully Submitted,


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

This 14 day of March, 2018
 at Pelzer, South Carolina

July 5, 2018

Alonzo C. Jeter, III
Perry Correctional Institution
Q2-A-108/#282902
430 OAKLAWN ROAD
Pelzer, SC 29669

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

Re: Objection To Final Order of Dismissal

Case No.: 2017-CP-11-0486 Alonzo C. Jeter, III v State

Dear Ms. McBee:

Please find enclosed, one⁽¹⁾ self-addressed stamped envelope,
one (1) original and one (1) copy of Applicant's Objection To Final
Order of Dismissal and Certificate of Service.

Please return to me a copy of Applicant's Objection To Final
Order of Dismissal and Certificate of Service, both bearing
the Court's time stamp by way of the enclosed SASE.

Thank you for your assistance in this matter.

Sincerely, Alonzo C. Jeter, III
Alonzo C. Jeter, III
APPLICANT

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JUL -9 PM 12:19
BRANDY W. MCBEE

July 5, 2018

Alonzo C. Jeter, III
Perry Correctional Institution
Q2-A-108 / #282902
4300 OAKLAWN ROAD
Pelzer, SC 29669

The Honorable R. Keith Kelly
Chief Administrative Judge - 7th Circuit
125 East Floyd Baker Boulevard
Gaffney, South Carolina 29340

Re: Objection To Final Order of Dismissal

Case No.: 2017-CP-11-0486 Alonzo C. Jeter, III, v State

Dear Judge Kelly:

Please find enclosed document, 'Objection To Final Order of Dismissal' and 'Certificate of Service' in reference of the above stated case.

Thank you for your assistance in this matter.

Sincerely, Alonzo C. Jeter, III
Alonzo C. Jeter, III
APPLICANT

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JUL -9 PM 12:19
BRANDY W. JOFFE

STATE OF SOUTH CAROLINA
County of Cherokee

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
#282902

Case No.: 2017-CP-11-0486

APPLICANT

CERTIFICATE OF SERVICE

State of South Carolina
RESPONDENT

I, Alonzo Columbus Jeter, III, hereby certify that I have this 5th day of July, 2018, served Applicant's Objection To Final Order Of Dismissal, upon the State of South Carolina, and by depositing one (1) original and one (1) copy of the same in the United States Mail (by and through the Perry Correctional Institution's Legal Mail System).

The following parties have been served at the below addresses:

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

South Carolina Attorney General
Jordan A. Cox - AAG
Post Office Box 11549
Columbia, South Carolina 29211

S/ Alonzo C. Jeter, III
Alonzo C. Jeter, III

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JUL -9 PM 12:13
BRANDY W. MCBEE

SWORN and Subscribed before me
this 6 day of July, 2018

Notary: Tamara Connell
Expires: My Commission Expires
September 25, 2023

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

APPLICANT

STATE OF SOUTH CAROLINA
County of Cherokee

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
282902

Case No. 2017-CP-11-0486

APPLICANT

OBJECTION TO FINAL ORDER
OF DISMISSAL

v

State of South Carolina
RESPONDENT

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC

18 JUL -9 PM 12:08

BRANDY W. HICKS

This matter comes before the Court by way of an application for post-conviction relief filed by the Applicant on June 19, 2017. Respondent made its Return on or about December 1, 2017, requesting the application be summarily dismissed.

Pursuant to this request, this Court issued a Conditional Order of Dismissal signed and filed December 11, 2017, which gave the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final.

In response to this Order, the Applicant filed a document titled "Petitioner's Response to Conditional Order of Dismissal" on December 27, 2017. Petitioner had also filed a document titled "Memorandum In Support of Post-Conviction Relief Hearing" on December 8, 2017. The Petitioner also filed an amendment to his post-conviction relief application on December 18, 2017 in which he did amend his "per" application by stating a claim cognizable under the Post-Conviction Relief Act which was ineffective assistance of counsel.

Petitioner added to the record, Criminal background reports from the Cherokee County Sheriff's Office, a SLED NCIC report from South Carolina Law Enforcement Division, Court transcripts from a July, 16, 2015 Court appearance and an Affidavit of Authentication which certified that all submitted documents and records submitted were

true and correct copies of official records and reports from all said agencies.

Applicant filed another amendment to his post-conviction relief application on March 20, 2018.

Objection

Applicant avers that he filed his current PCR application based on grounds of which he could not have had knowledge of by the exercise of reasonable diligence. Applicant discovered that the State would choose to unmerge his conviction for possession of crack cocaine (2004-GS-11-925 and 2004-GS-11-926) on April June 30, 2017 during a motion hearing at the Spartanburg County Courthouse.

The Applicant would direct the Court's attention to the submitted documents, as you would clearly see that the conviction for possession of crack cocaine was merged into one offense. This merging could be explored also by the prosecutor's testimony to the Court in the Court transcripts from the Applicant's July 16, 2015 court appearance. See Transcripts Page 21. There was no way that Applicant would have known that the State would choose to unmerge this conviction by the exercise of reasonable diligence.

The PCR Application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. SC Code Ann. 17-25-45

Applicant's claim was discovered on June 30, 2017, and he has filed his application for post-conviction relief well within the year timeline and statute of limitations set for newly/after

discovered evidence. Therefore, this claim/case should not be summarily dismissed. There exists evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence in the interest of justice and the conviction is otherwise subject to collateral attack.

Applicant request that this Honorable Court construe his pleadings liberally and that he be held to less stringent standards than formal pleadings drafted by lawyers as he is unlearned in the law. Applicant's case/claims should not be summarily dismissed because of unfamiliarity with pleading requirements. Applicant asks that this Honorable Court would appoint an attorney to assist him in this action.

When considering the State's motion for summary dismissal of an application for post-conviction relief, a judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the Applicant. Pelzer v State 662 SE2d 618 (2008).

Applicant objects to Final Order of Dismissal. Applicant has shown that he files this current PCR Application based on grounds of which he could not have had knowledge of by the exercise of reasonable diligence.

Conclusion

Applicant has shown and provided specific reasons why this PCR Application should not be dismissed. Applicant would ask that this Honorable Court appoint an attorney and ultimately an evidentiary hearing in this matter.

Respectfully Submitted, Alonzo C. Seter, III

Alonzo C. Seter, III
APPLICANT

This 5th day of July, 2018.
at Pelzer, South Carolina.

July 16, 2018

Alonzo C. Jeter, III
Perry Correctional Institution
Q2-A-108 / #282902
430 OAKLAWN ROAD
Pelzer, SC 29669

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

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 JUL 18 AM 11:29
BRANDY W. MCBEE

Re: Objection To Final Order Of Dismissal
Case No.: 2017-CP-11-0486 Alonzo C. Jeter III v State

Dear Ms. McBee:

Please find enclosed, one (1) self-addressed stamped envelope,
one (1) original and one (1) copy of Applicant's Objection To Final
Order Of Dismissal and Certificate of Service.

Please return to me, a copy of Applicant's Objection To Final
Order of Dismissal 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
Alonzo C. Jeter, III
APPLICANT

July 16, 2018

Alonzo C. Jeter, III
Perry Correctional Institution
Q2-A-108/#282902
430 OAKLAWN ROAD
Pelzer, SC 29669

The Honorable R. Keith Kelly
Chief Administrative Judge - 7th Circuit
125 East Floyd Baker Boulevard
Gaffney, SC 29340

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY
2018 JUL 18 AM 11:29
APPROPRIATE

Re: Objection To Final Order Of Dismissal (Error Corrected)
Case No.: 2017-CP-11-0486 Alonzo C. Jeter, III v State

Dear Judge Kelly:

Enclosed, please find Objection To Final Order Of Dismissal and Certificate of Service for the same.

My previous documents has contained an error in regards of the date of discovery. Please take judicial notice that this date in those regards has been corrected. Please also see attached document of proof titled, Motion To Reopen Record and Memorandum In Support Of Denying Post-Conviction Relief, dated April 27, 2017 and filed on May 1, 2017. This document was received by mail to me on May 8, 2017.

Thank you for your assistance in this matter.

Sincerely, Alonzo C. Jeter, III
Alonzo C. Jeter, III
APPLICANT

STATE OF SOUTH CAROLINA
County of Cherokee

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter, III
#282902

Case No.: 2017-CP-11-0486

APPLICANT

CERTIFICATE OF SERVICE

V
State of South Carolina
RESPONDENT

I, Alonzo Columbus Jeter, III, hereby certify that I have this 16th day of July, 2018, served Applicant's Objection To Final Order of Dismissal, upon the State of South Carolina, by depositing one (1) original and one (1) copy of the same in the United States Mail, (by and through the Perry Correctional Institution's Legal Mail System addressed as follows:

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

South Carolina Attorney General
Jordan A. Cox - AAG
Post Office Box 11549
Columbia, South Carolina 29211

S/ Alonzo C. Jeter, III
Alonzo C. Jeter, III

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

APPLICANT

Sworn and subscribed before me
this 16 day of July, 2018
Tamara Connell
Notary Public For South Carolina
My Commission Expires:

My Commission Expires
September 25, 2023

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2018 JUL 18 AM 11:22
BRANDY W. MCBEE

STATE OF SOUTH CAROLINA
County of Cherokee

Alonso Columbus Jeter, III
#282902

APPLICANT

✓
State of South Carolina
RESPONDENT

IN THE COURT OF COMMON PLEAS
IN THE SEVENTH JUDICIAL CIRCUIT

Case No. 2017-CP-11-0486

OBJECTION TO FINAL ORDER
OF DISMISSAL

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.

2018 JUL 18 AM 11:29

This matter comes before the Court by way of an application for post-conviction relief filed by the Applicant on June 19, 2017. Respondent made its Return on or about December 1, 2017, requesting the application be summarily dismissed.

Pursuant to this request, this Court issued a Conditional Order of Dismissal signed and filed December 11, 2017, which gave the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final.

In response to this Order, the Applicant filed a document titled "Petitioner's Response To Conditional Order Of Dismissal" on December 27, 2017. Petitioner had also filed a document titled, "Memorandum In Support Of Post-Conviction Relief Hearing" on December 8, 2017. The Petitioner also filed an amendment to his post-conviction relief application on December 18, 2017, in which he did amend his post-conviction relief application by stating a claim cognizable under the Post-Conviction Relief Act, which was ineffective assistance of counsel.

Applicant added to the record, criminal background reports from the Cherokee County Sheriff's Office, a South Carolina Law Enforcement Division (SLED) NCIC criminal background report, Court transcripts from a July 16, 2015 Court appearance and an Affidavit of Authentication which certified that all submitted documents and records were true and correct copies of official

records and reports from all said agencies. Applicant also filed another amendment to his post-conviction relief application on March 20, 2018

Objection

Applicant would shew the Court that he filed his current PCR Application based on grounds of which he could not have had knowledge of by the exercise of reasonable diligence. Applicant discovered that the State would choose to unmerge his conviction for possession of crack cocaine (2004-GS-11-925 and 2004-GS-11-926) by way of a motion which was filed by the State regarding another PCR matter. This motion was filed on May 1, 2017 and received by Applicant on May 8, 2017. This unmerging became final on June 30, 2017, during the motion hearing at the Spartanburg County Courthouse. (See attached motion).

The Applicant would direct the Court's attention to all submitted documents, as the Court would then clearly see that the conviction for possession of crack cocaine in 2004 was merged into one offense. This merging could be explored also by the prosecutor's testimony to the Court in the Court transcripts from the Applicant's July 16, 2015, court appearance, which Applicant has provided for the record. (See transcripts page 21). There was no way that Applicant would have known that the State would choose to unmerge this conviction by the exercise of reasonable diligence.

The PCR Application must be filed within one-year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. 17-27-45(c)

Applicant's claim was discovered on May 1, 2017, and he has filed his application for post-conviction relief, well within the year timeline and statute of limitations set for newly/after discovered evidence. Therefore, this claim/case should

Not be summarily dismissed. There exists evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence in the interest of Justice and the conviction is otherwise subject to collateral attack.

Applicant request that this Honorable Court construe his pleadings liberally and that he be held to less stringent standards than formal pleadings drafted by lawyers as he is unlearned in the law. Applicant's case/claims should not be summarily dismissed due to unfamiliarity with pleading requirements. Applicant asks that this Honorable Court would appoint an attorney to assist him in this action.

When considering the State's motion for summary dismissal of an application for post-conviction relief, a Judge must assume facts presented by an applicant are true and view those facts in the light most favorable to the Applicant. ~~Pelzer~~ Pelzer v State, 662 S.E.2d 618 (2008).

Applicant objects to Final Order of Dismissal. Applicant has shown that he files this current PCR Application based on grounds of which he could not have had knowledge of by the exercise of reasonable diligence.

Conclusion

Applicant has shown and provided specific reasons why this PCR application should not be dismissed. Applicant would ask that this Honorable Court appoint an attorney and ultimately an evidentiary hearing in this matter.

Respectfully Submitted,

/s/ Alonzo L. Jeter, III
Alonzo L. Jeter, III
APPLICANT

This 16th day of July, 2018
at Pelzer, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

) IN THE COURT OF COMMON PLEAS
) SEVENTH JUDICIAL CIRCUIT
)

Alonzo Columbus Jeter III, #282902,

) 2016-CP-11-0293
)

) Applicant,
)

) v.
)

) State of South Carolina,
)

) Respondent.
)
)

**MOTION TO REOPEN RECORD
AND MEMORANDUM IN SUPPORT
OF DENYING POST-CONVICTION RELIEF**

MOTION

~~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.

After the evidentiary hearing, and upon further investigation of Applicant's records, it came to Respondent's attention that Applicant had additional prior convictions that were not known about or discussed at the evidentiary hearing. In order to allow the Court to fully consider all pertinent information and make a fair ruling in the interest of justice, Respondent now moves to reopen the record to submit additional records from the Clerk of Court of Cherokee County.

~~These supplemental records are attached.~~

[continued on following page]

MEMORANDUM

In light of the new information provided by the additional clerk's records attached, Respondent submits the following:

1. Applicant pled guilty on October 12, 2004, to **two** counts of Possession of Crack (2004-GS-11-925 and 2004-GS-11-926, records of which are attached hereto as a supplemental record to this action) in violation of S.C. Code Ann. § 44-53-375 (1976). Applicant did not appeal his guilty pleas or sentences.
2. Applicant was charged with the offenses which are the subject of this action in 2014 and 2015, including two counts of distribution of methamphetamine, third offense, and trafficking methamphetamine, third offense, in violation of S.C. Code Ann. § 44-53-375.
3. Applicant pled guilty to the charges for a negotiated sentence of fifteen years. He pled down to distribution and trafficking methamphetamine, second offense, instead of third offense.
4. Respondent submits that Applicant was appropriately charged with distribution and trafficking, third offense, and his charges and guilty pleas to the lesser offense are proper based on his prior convictions. Although both of his prior convictions are from more than ten years before his guilty plea, S.C. Code Ann. § 44-53-470(A)(4) provides:

(A) An offense is considered a second or subsequent offense if:

[...]

(4) for an offense involving a controlled substance other than marijuana pursuant to this article, the offender has **at any time** been convicted of a second or subsequent violation of a controlled substance offense provision, other than a marijuana offense provision, of this article or of another state or federal statute

relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs.

S.C. Code Ann. § 44-53-470(A)(4) (1976) (emphasis added).

5. Respondent submits that any allegation presented by Applicant that his indictments were insufficient; the plea court lacked subject matter jurisdiction, or that Plea Counsel was ineffective based on the argument that he did not have the proper prior convictions to support his enhancement should be denied.
6. For these reasons, Respondent asks this Court to deny and dismiss the application for post-conviction relief with prejudice.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JULIE A. COLEMAN
Assistant Attorney General

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By: Julie A. Coleman
ATTORNEYS FOR RESPONDENT

April 27, 2017



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Clerk of Court, Cherokee County
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Gaffney, SC 29342

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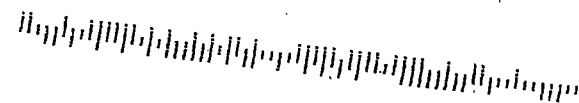
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Alonzo C. Jeter, III, #282902
Perry Correctional Institution Q1-B-215
430 Oaklawn Rd.
Pelzer, SC 29669

29669-670499



FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE
IN THE COURT OF COMMON PLEASJUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP1100486Alonzo Columbus Jeter,
#282902 III

State Of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

Submitted by:

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), SCRCP; ☐ Rule 41(a), SCRCP Vol. 1; ☐ Vol. 2; ☐ Vol. 3; ☐ Vol. 4; ☐ Vol. 5; ☐ Vol. 6; ☐ Vol. 7; ☐ Vol. 8; ☐ Vol. 9; ☐ Vol. 10; ☐ Vol. 11; ☐ Vol. 12; ☐ Vol. 13; ☐ Vol. 14; ☐ Vol. 15; ☐ Vol. 16; ☐ Vol. 17; ☐ Vol. 18; ☐ Vol. 19; ☐ Vol. 20; ☐ Vol. 21; ☐ Vol. 22; ☐ Vol. 23; ☐ Vol. 24; ☐ Vol. 25; ☐ Vol. 26; ☐ Vol. 27; ☐ Vol. 28; ☐ Vol. 29; ☐ Vol. 30; ☐ Vol. 31; ☐ Vol. 32; ☐ Vol. 33; ☐ Vol. 34; ☐ Vol. 35; ☐ Vol. 36; ☐ Vol. 37; ☐ Vol. 38; ☐ Vol. 39; ☐ Vol. 40; ☐ Vol. 41; ☐ Vol. 42; ☐ Vol. 43; ☐ Vol. 44; ☐ Vol. 45; ☐ Vol. 46; ☐ Vol. 47; ☐ Vol. 48; ☐ Vol. 49; ☐ Vol. 50; ☐ Vol. 51; ☐ Vol. 52; ☐ Vol. 53; ☐ Vol. 54; ☐ Vol. 55; ☐ Vol. 56; ☐ Vol. 57; ☐ Vol. 58; ☐ Vol. 59; ☐ Vol. 60; ☐ Vol. 61; ☐ Vol. 62; ☐ Vol. 63; ☐ Vol. 64; ☐ Vol. 65; ☐ Vol. 66; ☐ Vol. 67; ☐ Vol. 68; ☐ Vol. 69; ☐ Vol. 70; ☐ Vol. 71; ☐ Vol. 72; ☐ Vol. 73; ☐ Vol. 74; ☐ Vol. 75; ☐ Vol. 76; ☐ Vol. 77; ☐ Vol. 78; ☐ Vol. 79; ☐ Vol. 80; ☐ Vol. 81; ☐ Vol. 82; ☐ Vol. 83; ☐ Vol. 84; ☐ Vol. 85; 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For Clerk of Court Office Use Only

This judgment was entered on 8/3/18, and a copy mailed first class or placed in the appropriate attorney's box on 8/3/18, to attorneys of record or to parties (when appearing pro se) as follows:

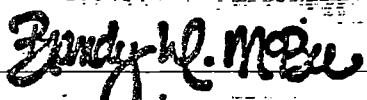
Alonzo Columbus Jeter, #282902 III
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S.C. Attorney General's Office
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Columbia, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter


Brandy W. McBee - Clerk of Court

Court Reporter:

~~E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.~~

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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CHEROKEE COUNTY, S.C.
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BRANDY W. MCBEE

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STATE OF SOUTH CAROLINA)
COUNTY OF CHEROKEE)
)
Alonzo C. Jeter, III., #282902)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

2017-CP-11-0486

FINAL ORDER OF DISMISSAL

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, SC
2018 AUG -2 AM 11:05
BRANDY M. HARRIS

This matter comes before the Court by way of an application for post-conviction relief filed June 19, 2017. Respondent made its return on or about December 1, 2017, requesting the application be summarily dismissed as it was filed after the statute of limitations had expired, failed to state a claim cognizable under the Post-Conviction Relief Act, and was barred by the doctrine of laches.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed and filed December 11, 2017, provisionally denying and dismissing this action, while giving the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated January 2, 2018 serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant filed a document titled "Petitioner's Response to Conditional Order of Dismissal" on December 27, 2017, in which Applicant argues that he "filed his current PCR application based on grounds of which he could not have had knowledge of by the exercise of reasonable diligence before the circumstances prejudicial to the state occurred."

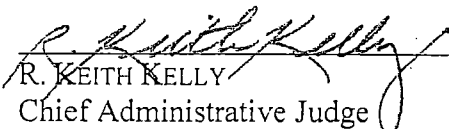
This Court has reviewed Applicant's responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

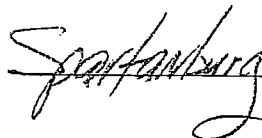
IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby denied and dismissed with prejudice.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within 30 days of the service of this Order to secure appellate review. See Rule 203, SCACR.

Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 25 day of July, 2018.


R. KEITH KELLY
Chief Administrative Judge
Seventh Judicial Circuit

 Spartanburg, South Carolina.

FILED IN OFFICE OF
CLERK OF COURT
CHEROKEE COUNTY, S.C.
2018 AUG -2 AM 11:05
BRANDY W. HALL

WITNESSES

Mike Gibson, CCSO

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. ⁴03-GS-11-925

The State of South Carolina

County of Cherokee

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

SEP 3 0 2004

TERM

**THE STATE
vs.**

Alonzo Columbus Jeter III

Indictment for

POSSESSION OF CRACK COCAINE

SC Code: 44-53-375

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

116

WITNESSES

Kevin Wilson,
Cherokee Metro Drug Unit

ARREST WARRANT NUMBER

H-004830

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 04-GS-11- *926*

The State of South Carolina

County of Cherokee

(04) Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

SEP 30 2004

TERM

**THE STATE
vs.**

Alonzo Columbus Jeter

**Indictment for
POSSESSION OF CRACK COCAINE**

SC Code: 44-53-375

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

117

ARREST WARRANT

H-004830

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Cherokee

THE STATE

against

Alonzo Columbus Jeter

Address: Gaffney, SC 29340

Phone: SSN:
Sex: M Race: B Height: 6'00" Weight: 180

DL State: DL #:
DOB: 1977 Agency ORI #: SC0110000

Prosecuting Agency: Cherokee Metro Narcotic Unit

Prosecuting Officer: S/A Kevin Wilson

Offense: PWID CRACK COCAINE

Offense Code:

Code/Ordinance Sec. 44-53-375

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 law.

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Alonzo Columbus Jeter
on 9-3-04

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Robert B. Howell, Magistrate
312 E. Frederick Street
Gaffney, SC 29340
487-2502

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Cherokee

Personally appeared before me the affiant S/A Kevin Wilson

being duly sworn deposes and says that defendant Alonzo Columbus Jeter

did within this county and state on September 3, 2004

violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Cherokee)

in the following particulars:

DESCRIPTION OF OFFENSE: PWID CRACK COCAINE

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 the date of Sept. 03, 2004 the defendant, Alonzo Columbus Jeter, did have in his possession with
the intent to distribute a quantity of crack cocaine, a schedule II controlled substance, while at 1025
N. Granard Street, in Gaffney, within Cherokee County South Carolina. This being in violation of the
South Carolina Code of Laws, 1976, as amended.

Warrant based on investigation of the Cherokee Metro Narcotic Unit.

Case No # 2004-003121

Sworn to and subscribed before me
on 09/03/2004

Signature of Affiant
Affiant's Address 312 E. Frederick Street
Gaffney, SC 29340
Signature of Issuing Judge (L.S.)
Affiant's Telephone 487-2504

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Cherokee

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 September 3, 2004 defendant Alonzo Columbus Jeter

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: PWID CRACK COCAINE

Now, therefore, 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.

Signature of Issuing Judge (L.S.)
Judge's Address 312 E. Frederick Street
Gaffney, SC 29340
Judge's Telephone 487-2502
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

H-004830

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLOTTE
STATE VS.
ALONZO JETER III
AKA:
Race: B Sex: M Age: 26
DOB: 11 SS#: [REDACTED]
Address:
City, State, Zip GAFFNEY SC 29340
DL# [REDACTED] SID# [REDACTED]

INDICTMENT/CASE#: 04 -GS- 11 - 926
A/W#: H-004830
Date of Offense: 9-3-04
S.C. Code §: 44-53-375
CDR Code #: 0 / 1 / 1 / 0 / 1 / 0
☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: POSSESSION OF CRACK 1ST
in violation of § 44-53-375 of the S.C. Code of Laws, bearing CDR Code # 0 / 1 / 1 / 0 / 1 / 0
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 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: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ 500.00; provided that upon the service of time served days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3
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.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms:
☐ set by SCDPPPS

Recipient: _____
*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 \$ _____
\$ 35.13 (Public Def/Prob) \$500 \$ _____
\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
\$50-21-114(BUI Breath Test Fee) \$50 \$ _____
\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ _____

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, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

Brandy L. McBe
Clerk of Court/ Deputy Clerk
Court Reporter: Sam Green

PRESIDING JUDGE [Signature]
Judge Code: 01 / 1 / 1 / 3 / 1 / 5
Sentence Date: October 12, 2004



Gaffney Police Department

120

201 N. LIMESTONE STREET
P.O. Box 2109
GAFFNEY, SOUTH CAROLINA 29342
(864) 489-8115

Richard E. Turner, Chief of Police



January 25, 2018

Alonzo C. Jeter, III
Perry Correctional Institute
Q1-B-215/ #282902
430 Oaklawn Road
Pelzer, South Carolina 29669

Dear Mr. Jeter:

Per your request, I am enclosing a certified copy of your criminal history (see attachments) with the Gaffney Police Department. This is a list of your arrests/and or convictions that are on file with this department.

Please let us know if we can be of further help in this matter.

Sincerely,

Barbara Peterson

Barbara Peterson
Administrative Assistant to the Chief

BP/enclosures

South Carolina IDENTIFICATION CARD

JETER ALONZO COLUMBUS III ID# [REDACTED]

GAFFNEY SC 293413211

DOB: [REDACTED]

Issued: 1-1-99

Expires: 1-1-13-2018

Sex: M

Weight: 190

Height: 5-02

10-12-1977

NOT A DRIVER'S LICENSE

GAFFNEY POLICE DEPARTMENT

201N. Limestone Street
P.O. Box 2109
Gaffney, South Carolina 29342
(864) 489-8115



Criminal records inquiry

I DO GIVE MY CONSENT TO A COMPLETE RECORDS CHECK AT THE CITY OF GAFFNEY POLICE DEPARTMENT. I REQUEST THAT ALL INFORMATION CONCERNING MY ARREST(S) AND/OR CONVICTIONS BE FURNISHED.

Alonzo Jeter III
Signature

1/16/2018
Date

NAME: Alonzo Columbus Jeter III
First Middle Last

SSN: [REDACTED] DOB: [REDACTED]

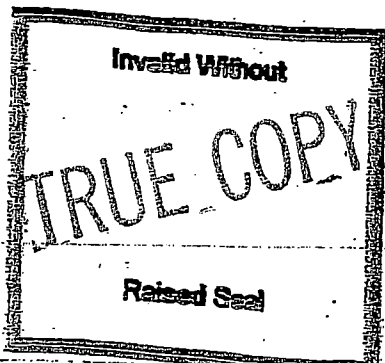
This is to certify that the above named individual:

- ☐ Does Not have a criminal history in the City of Gaffney
- ☒ Does Have a criminal history in the City of Gaffney

	Charge	Date	Disposition
1.	Breaking Arrest	1-19-99	9 Days 1-28-99
2.	Leitaring	1-19-99	9 Days 1-28-99
3.	DUS	11-11-99	Guilty 11-15-99
4.	Inexpensing	2-22-99	\$300 on 7 Days 2-23-99

☒ More on back of page.

This criminal history does not contain any Traffic Violations other than DUI, DUS, Failure to Stop for Police, and Reckless Homicide.



This criminal history does not contain any charges made prior to January 1993.

This records inquiry was made by:

Barbara Peterson
Gaffney Police Department
Records Division



Steve Mueller
Sheriff of Cherokee County
312 East Frederick Street
Gaffney, South Carolina 29340
PHONE: (864)489-4722



122

I hereby give my consent to a complete records check and further request that all information concerning my arrest(s) and/or conviction(s) be furnished.

Alonzo Jeter III

(NAME)

247-53-5003

(SOCIAL SECURITY NUMBER)

10-12-77

(DATE OF BIRTH)

1/19/2018 9:23:15 AM

(DATE)

THIS IS TO CERTIFY THE ABOVE NAMED SUBJECT:

☐

Does Not Have a Criminal History in Cherokee County

☒

Does Have a Criminal History in Cherokee County

5-7-96 A&B /E687401/GUILTY 5-24-96

5-12-97 PROVIDING FALSE INFO TO POLICE/90424AL/GUILTY BT TIME SERVED 6/3/97

6-25-00 DUS/67324BC/GUILTY FOR 7/5/00

5-7-01 SIMPLE POSS MARIJUANA/68274BC/GUILTY TIME SERVED 9-3-01

5-7-01 DUS 5TH/68272BC/GUILTY TIME SERVED 9-3-01

5-7-01 DISREGARDING STOP SIGN/68270BC/GUILTY TIME SERVED 9-3-01

5-7-01 OPERATING UNINSURED VEHICLE/68273BC/TIME SERVED 9-3-01

2-24-02 CDV/H001623/GUILTY PLEA 3-27-02

4-28-03 DUI 2ND/57323BY/GUILTY 90 DAYS 11-19-03

4-28-03 DUS 7TH/GUILTY 6 MON/11-19-03

1-29-04 DUS 3RD/27489CR/GUILTY PLEA 4-13-14

1-29-04 BREACH OF TRUST/H005602/GUILTY PLEA 4-8-04

9-4-04 SIMPLE POSS MARIJUANA/H004829/ GUILTY PLEA 9-29-04

9-4-04 PWID CRACK COCAINE/H0048030/PLED TO POSS COCAINE/3 YRS PROB 10-12-04

11-30-06 SIMPLE POSS MARIJUANA/H854986/PLEA GUILTY /TIME SERVED 8-18-08

2-8-08 SIMPLE POSS MARIJUANA/97413DV/GUILTY BT 3-13-08

2-08-08 DUS/97414DV/GUILTY BT 3-13-08

2-08-08 HABITUAL OFFENDER/97415DV/PLED GUILTY/ 5 YRS, 1 YR SUSP, 2 YRS PROB 8-18-08
12-20-12 PWID MARIJUANA/2013A1110100617/ PLED TO POSS MARIJUANA/GUILTY 8-15-13
4-10-14 POSS MARIJUANA/2014A1110100238/PLED GUILTY TIME SERVED 7-17-15
3-31-15 PWID METH W/I PROX /2015A1110100231/PLED GUILTY 10 YRS 7-16-15
3-31-15 TRAFF CRACK 3RD/2015A1110100235/PLED GUILTY 15 YRS 7-16-15
3-31-15 DIST METH 3RD/ 2015A1110100233/PLED GUILTY 7-16-15
3-31-15 PWID W/I PROX METH/2015A1110100234/PLED GUILTY 10 YRS 7-16-15
3-31-15 DIST METH 3RD/2015A1110100230/PLED GUILTY 15 YRS 7-16-15

**This report reflects the Criminal History of the above named subject only within the Jurisdiction of Cherokee County South Carolina. Other State and Local Criminal History reports must be obtained through S.L.E.D. and the City of Gaffney respectively.*

Page of

Danna Buxant

Records and Identification Bureau
312 East Frederick Street
Gaffney, South Carolina 29340

THIS CRIMINAL HISTORY CONTAINS
ONLY INFORMATION MADE BY THE
CHEROKEE COUNTY SHERIFF'S OFFICE.

STATE OF SOUTH CAROLINA
COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Alonzo Columbus Jeter III, #282902,

2016-CP-11-0293

Applicant,

v.

State of South Carolina,

Respondent.

**MOTION TO REOPEN RECORD
AND MEMORANDUM IN SUPPORT
OF DENYING POST-CONVICTION RELIEF**

MOTION

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.

After the evidentiary hearing, and upon further investigation of Applicant's records, it came to Respondent's attention that Applicant had additional prior convictions that were not known about or discussed at the evidentiary hearing. In order to allow the Court to fully consider all pertinent information and make a fair ruling in the interest of justice, Respondent now moves to reopen the record to submit additional records from the Clerk of Court of Cherokee County.

These supplemental records are attached.

[continued on following page]

FILED
2017 MAY -1 A 9:55
CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

MEMORANDUM

In light of the new information provided by the additional clerk's records attached, Respondent submits the following:

1. Applicant pled guilty on October 12, 2004, to **two** counts of Possession of Crack (2004-GS-11-925 and 2004-GS-11-926, records of which are attached hereto as a supplemental record to this action) in violation of S.C. Code Ann. § 44-53-375 (1976). Applicant did not appeal his guilty pleas or sentences.
2. Applicant was charged with the offenses which are the subject of this action in 2014 and 2015, including two counts of distribution of methamphetamine, third offense, and trafficking methamphetamine, third offense, in violation of S.C. Code Ann. § 44-53-375.
3. Applicant pled guilty to the charges for a negotiated sentence of fifteen years. He pled down to distribution and trafficking methamphetamine, second offense, instead of third offense.
4. Respondent submits that Applicant was appropriately charged with distribution and trafficking, third offense, and his charges and guilty pleas to the lesser offense are proper based on his prior convictions. Although both of his prior convictions are from more than ten years before his guilty plea, S.C. Code Ann. § 44-53-470(A)(4) provides:

(A) An offense is considered a second or subsequent offense if:

[...]

(4) for an offense involving a controlled substance other than marijuana pursuant to this article, the offender has **at any time** been convicted of a second or subsequent violation of a controlled substance offense provision, other than a marijuana offense provision, of this article or of another state or federal statute

relating to narcotic drugs, depressants, stimulants, or hallucinogenic drugs.

S.C. Code Ann. § 44-53-470(A)(4) (1976) (emphasis added).

5. Respondent submits that any allegation presented by Applicant that his indictments were insufficient, the plea court lacked subject matter jurisdiction, or that Plea Counsel was ineffective based on the argument that he did not have the proper prior convictions to support his enhancement should be denied.
6. For these reasons, Respondent asks this Court to deny and dismiss the application for post-conviction relief with prejudice.

Respectfully submitted,

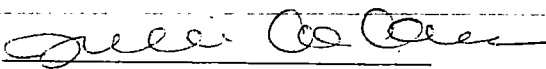
ALAN WILSON
Attorney General

ROBERT BOLCHOZ
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JULIE A. COLEMAN
Assistant Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

By: 
ATTORNEYS FOR RESPONDENT

April 27, 2017

127



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

SC 296
03 MAY '17
PM 1 1

SC 296
03 MAY '17
PM 1 1

03 MAY '17
PM 1 1

1B215

RECEIVED

MAY 08 2017

P.C.I. MAILROOM

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

29669-870499

