

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case No. 2017-001777

Alonzo C. Jeter, III,

PETITIONER,

State of South Carolina,

RECEIVED
RESPONDENT.

APR 27 2020

MOTION FOR JUDICIAL NOTICE SC Court of Appeals

The Petitioner, Alonzo C. Jeter, III, respectfully moves this Court to take judicial notice of his argument against precedent, his challenge to the constitutionality of statute, and the challenge to his prior conviction.

ARGUMENT AGAINST PRECEDENT

Petitioner is aware that permission of the appellate court shall not be required to argue against precedent in the brief. Rule 217, SCACR. However, Petitioner seeks to make certain this Court's awareness of his argument against precedent.

Petitioner filed his Petition For Writ of Certiorari Reply brief on March 6, 2019, and did present an argument against precedent case State v Wakefield, 323 SC 189, 473 SE2d 831 (1996). See pages 11-12 of Petition For Writ of Certiorari Reply. Petitioner seeks that this Court take judicial notice of this argument against precedent.

CHALLENGE TO CONSTITUTIONALITY OF STATUTE

Petitioner seeks that this Court take Judicial notice of his challenge to the constitutionality of S.C. Code Ann. § 44-53-470. Petitioner has attempted to challenge and preserve his challenge to the constitutionality of this statute. See Appendix pg. 148 and Petition For Writ of Certiorari pages 17-20.

As not only men of common intelligence, but also Judges, Solicitors, Prosecutors, Attorneys, and law makers, has guessed at its meaning and differed as to its application, S.C. Code Ann. § 44-53-470 is unconstitutionally void for vagueness as it violates rights guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution. See Appendix pgs. 136-139; Appendix pgs. 144-148; Petition For Writ of Certiorari pgs. 17-20; Opinion of South Carolina Attorney General, 2014 WL 12672775, June 2, 2014; State v Sullivan, 362 SC 373, 608 SE2d 422 (2005).

CHALLENGE TO PRIOR CONVICTION

Petitioner seeks that this Court take Judicial notice of his challenge to his 2004 conviction which the State and PCR Court chose to unmerge.

Petitioner challenges the validity of his guilty plea to the charges of Possession of Crack 1st Offense (2004-GS-11-925) and Possession of Crack 1st Offense (2004-GS-11-926) which were entered on October 12, 2004 before Honorable Roger L. Couch under agreement that the convictions would merge and be considered one conviction and offense.

It was discovered at and by way of a hearing on a motion to Reopen the PCR Record, which was convened on June 30, 2017, that the State and PCR Court would choose to unmerge the convictions. Also discovered at that time was Petitioner's 2004 plea counsel's failure to ensure and cause the specific terms of the plea agreement to be written on the sentencing sheets. (Appendix pg. 129)


This abuse of discretion of the PCR Court which determined it would select to unmerge Petitioner's 2004 conviction more than eleven (11) years after the conviction has become final and unchallenged due to Petitioner's criminal records being a reflection of the plea agreement's terms and therefore not presenting Petitioner a reason or need to advance an Ineffective Assistance of Counsel claim.

Petitioner seeks Judicial notice and preservation of his challenge to his prior conviction as unconstitutional and invalid due to his Ineffective Assistance of his 2004 plea counsel.

CONCLUSION

WHEREFORE, Petitioner respectfully request this Court do take Judicial notice of his argument against precedent, his challenge to the constitutionality of statute, and the challenge to his prior conviction. Petitioner seeks to preserve these issues and matters.

Respectfully Submitted,


Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

This 23rd day of April, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case No. 2017-001777

Alonzo C. Jeter, III,

PETITIONER
RECEIVED

APR 27 2020

State of South Carolina,

RESPONSE
SOUTH COURT OF APPEALS

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, #282902, hereby certify that I have served the Motion For Leave To Seek Declaration of Unconstitutionality of Statute, and Motion For Judicial Notice, on the Respondent by placing a copy of the same inside of an postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mailroom personnel on this 23 day of April, 2020, for mailing via the United States Mail, addressed as follows: V. Henry Gunter, Esquire, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, SC 29211-1549.

SWORN and Subscribed before me
this 23rd day of April, 2020

Paul Owen Creek

Notary Public for South Carolina

My Commission Expires: December 7, 2020

s/ Alonzo C. Jeter, III

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

April 23, 2020

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Enoree, South Carolina 29335

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

RECEIVED

APR 27 2020

SC Court of Appeals

RE. Alonzo C. Jeter, III, v State

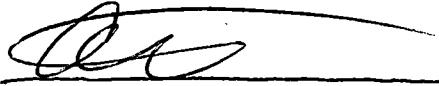
Appellate Case No. 2017-001777

Dear Honorable Kitchings:

Enclosed for filing, please find the Motion For Leave To Seek Declaration of Unconstitutionality of Statute, Motion For Judicial Notice, and Certificate of Service for the same.

Enclosed, please also find an additional copy of these said documents along with a self-addressed stamped envelope. Please return to me file-stamped copies of these documents by way of the provided SASE.

Thank you for your assistance in this matter.

Sincerely, 
Alonzo C. Jeter, III, #282902
PETITIONER/pro se

Alonzo C. Jeter, III, #282902
Tyger River Correctional Institution
200 Prison Road
Euree, South Carolina 29335

RECEIVED

APR 23 2020

TYRGI MAILROOM

RECEIVED

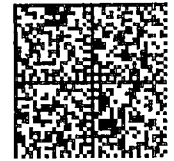
APR 27 2020

SC Court of Appeals

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



FOREVER
USA



02 1P
000938609 APR 23 2020
MAILED FROM ZIP CODE 29335

\$ 000.30



LEGAL MAIL

2829021181523 8012

