

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case No. 2017-001777

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NOV 09 2020
SC Court of Appeals

Alonzo Columbus Jeter, III,

v

PETITIONER/APPELLANT,

STATE OF SOUTH CAROLINA,

RESPONDENT.

MOTION FOR CERTIFICATION
OF NOVEL QUESTIONS OF LAW

Petitioner/Appellant, Alonzo C. Jeter, III, (herein after "Appellant") hereby motions that this Court would certify the novel questions of law presented within the issues of this case, to the South Carolina Supreme Court for its de novo review.

Appellant filed a Petition for Writ of Certiorari and Reply regarding the same in this case which arises from a denial of post-conviction relief application. Appellant has raised novel questions of law within his petition which are complex, unprecedented, and which South Carolina's Courts have not addressed.

Appellant has raised and brought before the Court the following issues and questions within the issues:

1. SC Code Ann. § 44-53-470, "Second or Subsequent Offense" how is "offense" defined, ambiguity and

Rule of Lenity as applied to Appellant's case, frustration of prior plea agreement; vagueness of statute.

2. Denial of Discovery materials which would be used to satisfy a PCR Applicant's "Burden of Proof" at PCR, for the record and appellate review; such denial on basis of PCR Applicant's indigency.
3. The legality / constitutionality of multiple controlled buys arranged simply to increase an offender's sentencing exposure, to try crimes, charges separately.
4. SC Code Ann. § 17-25-50 closely connected offenses applicability to controlled drug buys with common elements.
5. The authority of the memorandum of Chief Justice Toal's, March 1, 2004, instruction to prosecutors to cease the unethical practice of promising plea agreements to defendants on basis that they forgo discovery; specifically, in this case, not inspecting audio and video of controlled buys.

Appellant seeks that, if this Court would not provide de novo of these novel questions of law presented in Petition for Writ of Certiorari and Reply; this Court in the alternative would Certify these questions to the South Carolina Supreme Court. See Thompson v State, 423 SC 235, 814 SE2d 487 (2018) - The Supreme Court gives no deference to the post-conviction relief (PCR)

Court's conclusions of law, and reviews those conclusions de novo.

Appellant has filed a Motion For De Novo Review Of Novel Questions Of Law with the Clerk's office of this Court seeking this Court's de novo review of these questions of law.

Appellant submits this motion for Certification of Novel Questions of Law so as to alternatively seek that this Court would certify the questions to the South Carolina Supreme Court.

Appellant, out of an abundance of caution, seeks to also preserve the issues and questions of law presented in the Petition for Writ of Certiorari, Reply, and in the case in totality.

CONCLUSION

WHEREFORE, Appellant prays this Court will Certify the novel questions of law to the South Carolina Supreme Court, in the interest of justice.

Respectfully submitted, 

Alonzo C. Jeter, III

APPELLANT/pro se

Tyger River Correctional Institution

200 Prison Road

Enoree, South Carolina 29335

This ^{14th} day of November, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Cherokee County
Honorable Robin B. Stilwell, Circuit Court Judge
Case No. 2017-001777

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SC Court of Appeals

Alonzo Columbus Jeter, III,

PETITIONER/APPELLANT,

STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

I, Alonzo C. Jeter, III, hereby certify that I have served the Motion For De Novo Review of Novel Questions of Law, and Motion For Certification of Novel Questions of Law; on Respondent by placing a copy of the same inside of a postage prepaid envelope and placing said envelope in the hands of Tyger River Correctional Institution's mail room personnel on this 4th day of November, 2020, for mailing via the United States Mail, addressed as follows: Van Henry Guster, Jr., Esquire, Assistant Attorney General, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.

Swoorn and Subscribed before me
this NOV day of NOV, 2020

Paul [Signature]
Notary Public for South Carolina
My Commission Expires: DEC 10, 2024

51 [Signature]
Alonzo C. Jeter, III
APPELLANT/Petitioner/pro se
Tyger River Correctional Institution
200 Prison Road
Enerce, South Carolina 29335

SC Code Ann. § 26-1-10 et seq.
Matter of Celso, 330 SC 497, 499 SE2d 809 (1998)

November 4, 2020

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

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

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NOV 09 2020

SC Court of Appeals

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

Dear Honorable Kitchings:

Enclosed for filing, please find the Motion For De Novo Review Of Novel Questions Of Law, Motion For Certification Of Novel Questions Of Law; along with a Certificate of Service for the same.

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

Thank you for your assistance in this matter.

Sincerely,

Alonzo C. Jeter, III

cc: Vann Henry Gunter, Jr., Esquire

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



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TYRCL MAILROOM

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

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SC Court of Appeals

LEGAL MAIL

