

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Case No. 2017-001777

RECEIVED
NOV 09 2020
SC Court of Appeals

Alonzo Columbus Jeter, III,

✓ PETITIONER/APPELLANT,

STATE OF SOUTH CAROLINA,

RESPONDENT.

MOTION FOR DE NOVO REVIEW
OF NOVEL QUESTIONS OF LAW

Petitioner/Appellant, Alonzo C. Jeter, III, (herein after "Appellant") hereby motions this Court seeking that the Court would provide its judicial de novo review of the novel questions of law presented within this case.

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 this Court will provide review of the Questions presented in this case de novo. See First Citizens Bank and Trust Company, Inc. v Blue OX, LLC, 422 SC

461, 812 SE2d 418 (2018) - Determining the proper interpretation of a statute is a question of law, and the Court of Appeals reviews questions of law de novo; State v Sweat, 379 SC 367, 665 SE2d 645 (2008) - When addressing novel question of law, the appellate court is free to decide the question based on its assessment of which answer and reasoning would best comport with the

law and public policies of the state and the court's sense of law, justice, and right; Thompson v State, 423 SC 235, 814 SE2d 487 (2018). The [Court] gives no deference to the post-conviction relief (PCR) court's conclusions of law, and reviews those conclusions de novo.

On or about October 23, 2020, Appellant received the October 19, 2020, Order of this Court whereby his petition for a writ of certiorari was granted as to a sole issue (Issue Two).

Appellant submits this motion so as to bring the novel questions of law to this Court's attention, seek de novo review of these questions, and inform this Court that as the Court's granting the petition for writ of certiorari review as to this sole issue may seem to provide Appellant a path down the road to a reversed decision on this sole issue, this would be danger as the Court may consider the ruling upon review as dispositive of the appeal. See Futch v McAllister Towing of Georgetown, Inc., 335 SC 598, 613, 518 SE2d 591, 591 (1999) (holding an appellate court need not review remaining issues when its determination of another issue is dispositive of the appeal).

Appellant, out of an abundance of caution, informs this Court of his wish to preserve all issues which he has presented in this novel and complex case with due diligence.

Appellant emphasizes the importance that Judicial de novo review is given to these novel questions as the Court's de novo decisions would be needed for future guidance.

See South Carolina Public Interest Foundation v South Carolina Department of Transportation, 421 SC 110, 804 SE2d 854 (2017) - When deciding whether to confer public-importance standing, courts must take the competing policy concerns into consideration, and must also determine whether the party presents an issue of public importance and whether future guidance on that issue is needed.

Appellant also submits that the issues raised in his petition are capable of repetition albeit the Court may decline to review the issues, therefore no decision of the Courts which would only provide de novo review as to a single sole issue in this case should be determined dispositive of the appeal and therefore moot.

This case presents a real cumulative set of issues of Justiciable controversy. As the issues, in conjunction, act as "moving parts" the controversies presented fall under the exception to the mootness doctrine as if review is evaded.

Simply put, Appellant has the procedural right to one fair bite at the apple. See Wilson v State, 348 SC 215,

559 SE2d 581 (2002) - A defendant has the procedural right to one fair bite at the apple.

Thus far, due to the many procedural irregularities which exist in this case, Appellant has not received the equitable benefit of a fair bite throughout the proceedings from at genesis throughout. See also, Alonzo C. Jeter, III, v Tucker, CIA No. 2:19-cv-1945-MGL-MGB, (D.S.C. 2020), 2020 WL 1102231 - (The Court emphasizes that it "has not found any PCR cases with a history precisely like [Appellant's]").

CONCLUSION

WHEREFORE, Appellant prays this Court will provide Judicial de novo review of the novel questions presented in this case, as the decision of the Court is needed for future guidance in this case and is also an issue of public importance as it is capable of repetition and the unanswered questions will arise once again in the future of this case.

Respectfully submitted,



Alonzo C. Jeter, III
APPELLANT / Pro se
Tiger River Correctional Institution
200 Prison Road
Euree, South Carolina 29335

This ^{4th} day of November, 2020.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to Cherokee County
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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 Tiger 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
Tiger River Correctional Institution
200 Prison Road
Euree, South Carolina 29335

November 4, 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, SC 29211

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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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TYRC MAILROOM

The Honorable Jenny A. Kitchings
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