

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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80 Court of Appeals

On Writ of Certiorari to Cherokee County
The Honorable Lee S. Atford, Plea Judge
The Honorable Robin B. Stilwell, PCL Judge

Appellate Case No. 2017-001777

ALONZO COLUMBUS JETER, III,

PETITIONER,

v

STATE OF SOUTH CAROLINA,

RESPONDENT.

CORRESPONDENCE WHICH
DEMONSTRATES ISSUE
PRESERVATION

Petitioner, Alonzo C. Jeter, hereby proffers correspondence dated June 8, 2018, which is a letter which Petitioner's former Appellate counsel in this case wrote to Petitioner. (See attachment).

Within this correspondence, former appellate counsel, LaNelle Cantey DuRant stated that she did not raise the issue regarding the proximity charge in this case because Petitioner raised the proximity issue as a sufficiency of the indictment. Former appellate counsel instead conflated the concepts of subject matter jurisdiction

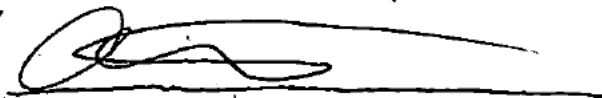
and sufficiency of an indictment. Petitioner had provided appellate counsel the case of *Cutner v State*, 354 SC 151, 580 S.E.2d 120 (2003), seeking to show that Churches were not encompassed under the statute. (proximity statute).

This correspondence is in direct contradiction to the Respondent's assertion that Petitioner did not raise the proximity issue as a sufficiency of the indictment.

Further, this Court has expressed in *State v Wakefield*, 323 SC 189, 473 S.E.2d 831 (1996), "[T]he convictions are so closely connected it is necessary to review both." Respondent's preservation argument would fail.

Petitioner prays the Court would accept this correspondence as such proof and support. Further, as this correspondence only comes as proffer due to Respondent's preservation argument in its brief, this proffer is timely made.

Respectfully submitted,



Alanzo C. Feter, III
PETITIONER/prose

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

This 28th day of September, 2021.

[Correspondence dated June 8, 2018 attached]



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

June 08, 2018

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

Re: Your Case

Dear Mr. Jeter:

Enclosed please find copies of the last four letters our office has received from you. I am sorry, Mr. Jeter, but I did not raise the issue of the proximity charge that you requested. The case that you sent me to review, Cutner v. State, 354 S.C. 151, 580 S.E.2d 120 (2003) was overruled by State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). You raised the proximity issue as a sufficiency of the indictment. Your guilty plea was a negotiated plea which you accepted.

The issue I raised is a good one which I hope will be a winning issue for you on all of your charges.

Please call me if you have questions.

Sincerely,

LaNelle Cantey DuRant
Appellate Defender

LCD/lis

Encl

Page 3 of 3

September 28, 2021

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

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SC Court of Appeals


RE: Alonzo C. Jeter, III, v State, App. Case No. 2017-001777

Dear Honorable Kitchings:

Enclosed for filing, please find the Correspondence Which Demonstrates Issue Preservation, along with a 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
PETITIONER/prose

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Tiger River Correctional Inst
200 Prison Road
Enoree, South Carolina 29335



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