

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
EXPLANATION FROM RICHLAND COUNTY
HONORABLE JOCELYN NEWMAN, PRESIDING
CASE NO: 2023-CP-40-2976

RECEIVED
APR 05 2024
S.C. SUPREME COURT

Edmond Stanley Adams, III Petitioner

"VS"

State of South Carolina Respondent

RULE 243 EXPLANATION

Greeting's to the Honorable Judges Justices of the S.C. Supreme Court.
The lower court has held that my PCR application was untimely filed ect.
This is my explanation to the court why the lower court was off point on
the law pertaining to my application.

The lower court recognized my factual predicate that "THE S.C. COURT OF APPEALS USED MY PURPORTED WAIVER IN THE TRIAL COURT TO SUFFICE AS A WAIVER IN THE APPELLATE COURT CAN BE LITIGATED UNDER THE DISCOVERY RULE."

The precedent in question is State "vs" Dial, 429 S.C. 128, 838 SE.2d. 501(2020).
I filed this PCR action within one year after discovering it, while my last PCR action was dismissed.

The lower court in my opinion failed to recognized the [j]urisdictional bar of the 6th Amendment if my purported waiver was in fact UnConstitutional. [T]his [C]ourt has squelched the validity of my purported waiver of my 6th Amendment Right to counsel, by the holdings in your precedent State "vs" Dial, Supra.

Likewise, because I asserted the discovery rule pursuant to the S.C. Code Ann. § 17-27-45(c); McCoy "vs" State, 401 S.C. 363, 737 S.E. 2d. 623 (SC2013)

The lower court should have explored this Constitutional issue.
This was in claim 11-E-1 & 11-E-2.

It was [t]his court who made the famous phrase, " A PCR APPLICANT IS ENTITLED TO ONE FULL BITE OF THE APPLE.

The lower court should have granted me a PCR hearing on ground 11-A-1 because I have never had counsel appointed in this setting at all, which is Constitutionally problematic.

In my opinion this is a glaring 14th Amendment violation.

Ground 11-B-1, to wit, DENIED COUNSEL AT MY COMPETENCY HEARING HELD ON APRIL 10th 2000; and ground 11-B-5, to wit, "I WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL AT MY PRE TRIAL MOTION HEARING HELD ON MARCH 29TH 2000 have not been adjudicated by the court's at all.

Critically serious, if this court review my [f]irst PCR application, you will surely recognize that I specifically and unequivocally raised both these factual predicates, and the order of dismissal absolutely don't address these issues all to adhere to the S.C. Code Ann. § 17-27-80.

Because these fact's exist the lower court could have granted me a hearing. I was by law to have a full and fair opportunity to present my claims, and have them adjudicated, Love "vs" State, 428 S.C. 231,834 SE.2d.196 (S.C. 2019). I am surely being denied equal protection of the law, and Due process of law if the lower court refuses to review this matter for itself and stop relying on a order prepared by the state.

My 14th Amendment Right to the U.S. Constitution is being squelched by these claims not being adjudicated, because effective assistance of counsel is bedrock, 566 U.S. 1,132 S.C.T. 1309 (2012)

In ground 11-B-2 I informed the lower court that I was denied effective assistance of counsel on remand, but again the order of dismissal do not address these issues at all. Being so, the lower court should have granted me a hearing.

All other claims should be given the State "vs" Dial, Supra analysis, As far as my subject matter jurisdiction claims, those can be raised at anytime in any proceeding, and the claim can never be untimely filed, and the doctrine of res judicata do not apply to these claims.

I reassert my "RESPONSE TO THE CONDITIONAL ORDER OF DISMISSAL BY VERBATIM TO SUPPORT THIS EXPLANATION.

Jurisprudently speaking, the lower court did not address my claims of fraud on the court at all.

This much is certain, there can only be one form 4 adjudicating the PCR 59(e) motion.

To the contrary in this case, we have [t]wo, one real, and one misleading. Surely the lower court should have had a hearing to determine the validity and authenticity of the document presented by the state in this litigation.

The one I have is the one in the record in [t]his court, and I have no idea where the state got there form 4 from to mislead the lower court.

If my form 4 is authentic, then it is a bitter pill to swallow, but the real jurisdiction of this case would still be in the court of Common Pleas. Because these fact's exist, the lower court should have granted me a hearing.

I assert my rights under the S.C. Const. Article I § 3 and the 14th Amendment and 6th Amendment to the U.S. Constitution.

Respectfully submitted

3.29.24

DATE

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