

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS  
Edmond S. Adams, III

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2006-CP-40-7169  
STATE OF SC

SBP



PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_  
 NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order. (Formal order to follow)  
 Statement of Judgment by the Court:

Motion to Alter or Amend The Judgment is denied without oral argument.

Dated at Columbia, South Carolina, this 14<sup>th</sup> day of JULY, 2008.

James R. Belt  
PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and a copy mailed first class this 18<sup>th</sup> day of July, 2008 to attorneys of record or to parties (when appearing pro se) as follows:

pro se

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

BARBARA A. SCOTT  
CLERK OF COURT

SCCA SCRPC Form 4 Revised (6/2008)

↑  
LOOK

WHEREFORE, having made its Return to the motion, the State requests that the relief requested in the Motion be denied and that said Motion be dismissed.

Respectfully submitted,

HENRY DARGAN McMASTER  
Attorney General

JOHN W. MCINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Assistant Deputy Attorney General

BRIAN T. PETRANO  
Assistant Attorney General

BY: [Signature]  
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
(803) 734-3737

Columbia, South Carolina  
June 13, 2008.

RECEIVED

APR 05 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
)  
)  
Edmond Stanley Adams, III, 265717 )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS

2006-CP-40-7169

RETURN AND MOTION TO DISMISS  
MOTION TO ALTER OR AMEND  
DENIAL OF PCR PETITION

This matter comes before the Court by way of the Applicant's Motion pursuant to Rule 59(e), SCRPC, in which he asks the Court to alter or amend its Order dismissing his Application for post-conviction relief (PCR). The Respondent (the State) would submit the following:

I.

The Order of Dismissal of the Honorable James R. Barber, III, filed June 2, 2008, contains the required findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1976), and Rule 52(a) SCRPC. See also, McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991).

Respondent respectfully requests that he be allowed to brief any issues raised in Applicant's subsequent memorandum that may warrant response.

II.

The State therefore requests that the relief requested by the Applicant be denied and that his Motion be dismissed.

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

2006-CP-40-7169

Edmond S. Adams, III, 265717

Applicant,

vs

State of South Carolina,

Respondent.

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Edmond S. Adams, III, 265717  
LIEBER CORRECTIONAL INSTITUTION  
RM, SA-62  
136 Wilborn Avenue  
P.O. Box 205  
Ridgeville, SC 29472

DATED this 13<sup>th</sup> day of June, 2008.

[Signature]  
Jean R. Indriago, Legal Assistant  
For Respondent

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF  
COMMON PLEAS

EDMOND S. ADAMS, III  
Applicant

" VS "

STATE OF SOUTH CAROLINA  
Respondent

C/A. NO. 2006-CP-400-7169

MOTION TO ALTER OR  
AMEND THE JUDGMENT  
RULE 59(e)

TO: The Honorable James R. Barber:

Comes now, Mr. Edmond Stanley Adams, III and I would show unto  
this court of Common Pleas respectfully the following:

[ PREAMBLE ]

On March 19th, 2008 the applicant appeared before this court in  
the matter of his PCR application submitted to this court  
to the S.C. Code Ann. § 17-27-10.  
This court heard the pleading's of the applicant, and denied  
the applicant relief on all of his claims by written order dated  
May 19th, 2008 and the applicant received the order on  
May 30th 2008, and this 59(e) motion sub judice follows.

\* \* \* \* \*

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MAY 19 2008

*Robiano*

1

[2]

IN THE ORDER OF DISMISSAL THE COURT MADE SEVERAL REFERENCES TO  
THE TRIAL TRANSCRIPT, TO WIT  
ROA PAGE 67 L. 19 & PAGE 84 L. 3 / ROA PAGE 85 L. 14-19 /  
ROA PAGE 86 L. 13 / ROA PAGE 90 L. 10 AND ROA PAGE 36-45 IN WHICH  
ARE IDENTIFIED ON PAGE 8 OF THE ORDER OF DISMISSAL.  
TRIAL TRANSCRIPT PAGE 20 L. 8-22 / ROA. P. 86 L. 24 / ROA P. 87  
L. 4 AND TRIAL TRANSCRIPT PAGE 113 L. 11-15 IN WHICH ARE  
IDENTIFIED ON PAGE 9 OF THE ORDER OF DISMISSAL.  
TRIAL TRANSCRIPT PAGE 25, ROA PAGE 92 WHICH ARE IDENTIFIED ON  
PAGE 10 OF THE ORDER OF DISMISSAL.  
TRIAL TRANSCRIPT PAGE 20 L. 23 / AND PAGE 23 L. 16 WHICH IS  
IDENTIFIED ON PAGE 15 OF THE ORDER OF DISMISSAL.  
ROA PAGE 72 L. 12-19 AND PAGES 72-78 WHICH ARE IDENTIFIED ON PAGE  
16 OF THE ORDER OF DISMISSAL.  
TRANSCRIPT PAGE 33 L. 16-19 AND ROA PAGE 887 L. 16-19 WHICH ARE  
IDENTIFIED ON PAGE 17 OF THE ORDER OF DISMISSAL.  
ROA PAGE 86 L. 24 / ROA PAGE 87 L. 4 / ROA PAGES 891,892,893,894,  
899, AND 908 / TRIAL TRANSCRIPT PAGE 20 L. 23 & PAGE 23 L. 16  
WHICH ARE IDENTIFIED ON PAGE 19 OF THE ORDER OF DISMISSAL.  
TRIAL TRANSCRIPT PAGE 1574 WHICH IS IDENTIFIED ON PAGE 25 OF THE  
ORDER OF DISMISSAL.  
ROA PAGE 102-146, 792-854, & TRIAL TRANSCRIPT PAGE 39-96, &  
1449-1516 WHICH ARE IDENTIFIED ON PAGE 26 OF THE ORDER OF  
DISMISSAL.  
ROA PAGE 896 / ROA PAGE 86 L. 24 & PAGE 87 L. 4 / TRIAL  
TRANSCRIPT PAGE 20 L. 8-22 WHICH ARE IDENTIFIED ON PAGE 27 OF THE  
ORDER OF DISMISSAL.  
TRIAL TRANSCRIPT PAGE 18 L. 17-22.  
WHICH IS IDENTIFIED ON PAGE 28 OF THE ORDER OF DISMISSAL.

3

MOTION TO ALTER OR AMEND THE JUDGMENT

THE APPLICANT WOULD MOVE THIS COURT TO ALTER OR AMEND IT'S  
JUDGMENT PURSUANT TO RULE 59(E) SCRPC IN THE FOLLOWING  
PARTICULARS TO WIT:

[1]

IN THE ORDER OF DISMISSAL ON PAGES 4,5,6, AND 29 THIS COURT HAS  
INJECTED LANGUAGE PERTAINING TO INEFFECTIVE ASSISTANCE OF COUNSEL  
USING THE PRECEDENTS, TO WIT:

STRICKLAND "VS" WASHINGTON, 466 U.S. 668,104 S.C.T. 2052 (1984)  
HILL "VS" LOCKHART, 474 U.S. 52 (1985)

BUTLER "VS" STATE, 286 S.C. 441, 334 S.E. 2d. 813 (1985)

CHERRY "VS" STATE, 300 S.C. 115,386 S.E. 2d. 624 (1989), ECT.

LIKewise APPLICANT RAISED NO CLAIM OR HAVE A FACTUAL PREDICATE  
IN RELATION TO THE CLAIM OF INEFFECTIVE ASSISTANCE OF TRIAL  
COUNSEL OR APPELLATE COUNSEL, THUS ALL THE LANGUAGE INCLUDED IN  
THE ORDER OF DISMISSAL THAT ILLUMINATES, AMPLIFIES OR EVEN  
MENTION ANYTHING WHATSOEVER ABOUT AN INEFFECTIVE ASSISTANCE CLAIM  
MUST BE ERASED, REDACTED, OR REMOVED FROM THE ORDER OF DISMISSAL  
IN WHOLE.

THIS MATTER WOULD BE VERY PREJUDICIAL AGAINST THE APPLICANT ON  
APPEAL, THEREFORE TO CLARIFY THIS LITIGATION, THIS COURT SHOULD  
ALTER THE JUDGMENT.

2

LIKewise ANY AND ALL REFERENCES BY THIS COURT IN REGARD TO THE  
TRIAL TRANSCRIPT MUST BE STRICKEN FROM THE ORDER OF DISMISSAL AND  
NOT USED BY THIS COURT IN PART OR IN WHOLE.

THE REASON FOR SUCH DRASTIC LANGUAGE IS THAT THE APPLICANT  
CHALLENGED THE TRANSCRIPTION OF THE TRANSCRIPT IN ACCORD WITH  
RULE 607(i) SCACR, AND THIS COURT IS WELL AWARE OF THE UNDISPUTED  
RELEVANT FACT THAT THE COURT REPORTER TO WIT, REMA K. GANTT  
ERASED THE TAPES OF THE TRIAL, THUS PRECLUDING THE APPLICANT FROM  
HEARING THE TAPES, AND CORRECTING THE RECORD IN THIS CASE.

INASMUCH BECAUSE THE COURT REPORTER VIOLATED THE RULES IN REGARD  
TO THE APPLICANT CHALLENGING THE ACCURACY OF THE TRANSCRIPTION  
OF THE TRANSCRIPT, AND THE APPLICANT WAS NOT ALLOWED TO HEAR THE  
TAPES, IT HAS CREATED A MOST HYPERSENSITIVE DILEMMA PREJUDICIAL  
TO THE APPLICANT, THE RESPONDENT, AND TO THIS COURT.

FOR THE SAKE OF CLARITY THE APPLICANT, THE RESPONDENT, NOR THIS  
COURT CAN MAKE REFERENCE TO THE TRIAL TRANSCRIPT, BECAUSE IT  
WOULD BE FUNDAMENTALLY UNFAIR TO THE APPLICANT FOR THE [C]OURT TO  
USE THE TRIAL TRANSCRIPT AGAINST THE APPLICANT AS EVIDENCE,  
WHEN THE APPLICANT WAS DENIED FROM REVIEWING THE TRIAL TRANSCRIPT  
FOR THE RECORD NOT BEING A TRUE AND ACCURATE.

IN OTHER WORDS THIS COURT CANNOT USE THE RECORD AGAINST THE  
APPLICANT WHEN THE APPLICANT WAS DENIED HIS RIGHTS TO CHALLENGE  
THE ACCURACY OF THE TRANSCRIPT.

IT IS DANGEROUS SPECULATION AS TO WHETHER THE TRIAL TRANSCRIPT IS  
TRUE, AND IF THE APPLICANT CANNOT REVIEW THE TAPES OF HIS TRIAL  
WHICH IS RULE, THEN SURELY THE RECORD CANNOT BE USED AGAINST HIM  
AND IF SO IT WOULD VIOLATE THE 14TH AMENDMENT TO THE UNITED  
STATES CONSTITUTION, UNDER THE EQUAL PROTECTION OF THE LAW,  
DUE PROCESS, AND MOST IMPORTANT "FUNDAMENTAL FAIRNESS CLAUSES".  
INASMUCH THIS COURT WOULD VIOLATE THE APPLICANTS FEDERAL

S.C. SUPREME COURT

(90)  
22

1 attempting to use in their representation, and if I ask  
 2 them and they have to divulge it, it puts them at a  
 3 disadvantage --  
 4 MR. ADAMS: Okay.  
 5 THE COURT: -- because the solicitor then would find  
 6 out hey, he knows something. Now, we know something, but  
 7 I clearly ask them, "Do you understand that there is some  
 8 advantage to having an attorney, and that is that that  
 9 person can assist you in a number of ways. They -- they  
 10 have been to law school," and I can-- I go through that.  
 11 MR. ADAMS: Yes. You told me that.  
 12 THE COURT: And -- and we have a colloquy about that,  
 13 so you understand there are advantages to having an  
 14 attorney or there may be.  
 15 You know, I guess in some instances, the -- somebody  
 16 appearing pro se could do a better job than an attorney,  
 17 but I -- I can't think of a time that I've ever gone  
 18 forward in a -- in a discussion about somebody  
 19 representing themselves that I don't review the fact that  
 20 there are advantages to having an attorney, or may be an  
 21 advantage to having an attorney, and what those advantages  
 22 are. He it is  
 23 \* But you're right. I have never asked them, "Why do  
 24 you want to represent yourself," because -- I don't know  
 25 that that is really something that the court should know

(263)  
(90)

(91)  
28

1 MR. ADAMS: He was appointed for trial counsel.  
 2 THE COURT: And the Blair hearing was held just prior  
 3 to the hearing, to the trial?  
 4 MR. ADAMS: Prior to trial.  
 5 THE COURT: All right. Well, Mr. McCullough was  
 6 there, right?  
 7 MR. ADAMS: He was there for a minute.  
 8 MR. PETRANO: He was appointed by order of Judge  
 9 Williams April 6th, 2000.  
 10 THE COURT: All right. And the trial started on  
 11 April 10, 2000.  
 12 MR. ADAMS: Yes, but see, Mr. McCullough, he was  
 13 there for trial. He wasn't there for no pretrial matters  
 14 or none of that. He was just trial. It was all on --  
 15 THE COURT: I don't know how he could have done that.  
 16 MR. ADAMS: I have the order right here.  
 17 MR. PETRANO: And the order is very specific that  
 18 he's advisory only. Not even --  
 19 THE COURT: Well, I knew that.  
 20 MR. PETRANO: Okay. Sorry.  
 21 THE COURT: But I don't know how he could have been  
 22 not there at the time --  
 23 MR. PETRANO: Oh.  
 24 THE COURT: -- once the trial started.  
 25 MR. PETRANO: I misunderstood your comment, I'm

(91)

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Form 4  
(172)  
92

STATE OF SOUTH CAROLINA  
 COUNTY OF RICHLAND  
 IN THE COURT OF COMMON PLEAS

Edmond Stanley #265717 Adams vs. State of South Carolina

Plaintiff Defendant

**JUDGMENT IN A CIVIL CASE**  
 CASE NO: 2006CP400716P

**CHECK ONE:**

JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Non suit);  Rule 43(b), SCRPC (Settled);  Other:

ACTION STRICKEN (CHECK REASON):  Rule 40(G), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to resume to confirm, vacate or modify arbitration award;  Other:

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court.

Dated at Columbia, South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
 PRESIDING JUDGE

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, and a copy mailed first class this \_\_\_\_\_ day of \_\_\_\_\_, 2008, to attorneys of record or to parties (when appearing pro se) as follows:

Edmond Stanley #265717 Adams State of South Carolina  
 Edmond Stanley #265717 Adams State of South Carolina

ATTORNEY(S) FOR THE PLAINTIFF(S) ATTORNEY(S) FOR THE DEFENDANT(S)  
 S/BARBARA A. SCOTT

\_\_\_\_\_  
 Clerk of Court

SCRCP APP-24 FORM 4

LOOK

(93) Q-7  
(343) 119

1 THAT SHE THOUGHT IN HER OPINION THEY HAD SUFFICIENT EVIDENCE  
 2 TO ARREST YOU WITHOUT A WARRANT, THEN TO CARRY YOU BEFORE --  
 3 TO GO BEFORE A MAGISTRATE, GET A WRITTEN WARRANT, AND SERVE  
 4 IT ON YOU.  
 5 MR. ADAMS: BUT JUDGE, THE MAGISTRATE WAS SUPPOSED TO  
 6 SAY PROBABLE CAUSE EXISTS BEFORE I WAS ARRESTED ---  
 7 THE COURT: NOT NECESSARILY.  
 8 MR. ADAMS: --- AND TAKEN OUT OF MY HOME.  
 9 THE COURT: NO, SIR.  
 10 MR. ADAMS: I HAVE THE PRECEDENT RIGHT HERE.  
 11 THE COURT: THAT'S NOT THE LAW.  
 12 MR. ADAMS: AND IN PAYTON, LET'S TALK ABOUT PAYTON/NEW  
 13 YORK, WELL FIRST OF ALL LET'S TALK ABOUT JOHNSON VERSUS THE  
 14 UNITED STATES, 333 U.S. 10 (1948).  
 15 THE COURT: 333 U.S. WHAT?  
 16 MR. ADAMS: 333 U.S. 10 (1948).  
 17 THE COURT: AND THAT'S JOHNSON?  
 18 MR. ADAMS: YES, SIR.  
 19 THE COURT: I DON'T KNOW THAT I HAVE A COPY OF THAT,  
 20 BUT I'M GOING ...  
 21 MR. ADAMS: I'LL PUT IT UP AND LET YOU LOOK AT IT.  
 22 OKAY. IT STATES BY VERBATIM, IN JOHNSON THE UNITED  
 23 STATES SUPREME COURT STATED, "THE POINT OF THE FOURTH  
 24 AMENDMENT IS NOT THAT IT DENIES LAW ENFORCEMENT THE SUPPORT  
 25 OF THE USUAL INTERFERENCES (SIC) OF REASONABLE BEING DRAWN

(345) (93)

(172)  
1763

This is the Record Page IN THIS COURT

Certified ma

12-20-00

(94)

To Mrs. Carol Wilson,  
Greetings,

I wrote you, however you did not write me back so  
Im writing you again respectfully.  
Under the Freedom of information act, and the  
privacy act 3 (5 U.S.C. 3552 and 5 U.S.C. 3526)  
I request respectfully from your Department the  
Following:

Check NO. 4970, Paid to the order of "Ston Adams"  
The check was written on 8-18-98 by Caffe  
Ventures Inc., and was cashed at Pauls  
Liquor Store, on "8-19-98".

It is check NO. 7 on Pauls Liquor Store  
Deposit Ticket, at the First Union Bank  
on 8-19-98

It was Posted on 8-20-98

The Bank NO. is 0079

RJT 5390216

Account NO. 21894482

Amount 162.50

DIN. 50082651

Please send me A Copy of This check both  
Front & Back.

I Subponed this check but I "NEVER" go  
from you. It was kept away from me. Plea  
send me this check & dont tell anyone.  
My life depends on it. Thanks E.S. Adams & THE C.

(98)

1 THE COURT REPORTER: Of the completed transcript,  
2 right.

3 MR. PETRANO: Not of the --

4 THE COURT REPORTER: Not the tapes, not the notes,  
5 not even the log sheet.

6 THE COURT: All right. How long would you keep all  
7 of that stuff? You would just automatically in the 30  
8 days get rid of it?

9 THE COURT REPORTER: I could get rid of the tapes in  
10 30 days, but I could get rid of everything else after five  
11 years.

12 THE COURT: I wonder why there wasn't anything else  
13 for her to go back and...

14 THE COURT REPORTER: If 30 days passed from the time  
15 she sent it to Appellate Defense, she would be able to get  
16 rid of the back-up tapes. She would have only her paper  
17 notes that she had made --

18 MR. PETRANO: If she chose to keep those; correct?

19 THE COURT: Well, this -- what is this? Where does  
20 this come out, on your computer?

21 THE COURT REPORTER: On my computer, and this is an  
22 electronic version of the steno notes.

23 THE COURT: All right. And how long would you keep  
24 that steno note?

25 THE COURT REPORTER: I would keep --

(98)

(99)

1 THE COURT: Forever?

2 THE COURT REPORTER: Well, I would keep -- no. After  
3 five years, the notes would be gone.

4 THE COURT: All right. So you would --

5 THE COURT REPORTER: But I would keep --

6 THE COURT: Well, wouldn't she have steno notes or --  
7 or at least a mask that you --

8 THE COURT REPORTER: She would --

9 THE COURT: What does she do, a mask or is she --

10 THE COURT REPORTER: She's a machine. She is a steno  
11 machine.

12 THE COURT: Wouldn't she have those?

13 THE COURT REPORTER: I'm sorry?

14 THE COURT: Wouldn't you think she would have those?

15 THE COURT REPORTER: She would have some record.

16 MR. PETRANO: Your Honor, I spoke to her --

17 THE COURT REPORTER: It --

18 MR. PETRANO: -- on the phone. I didn't produce her,  
19 and I apologize. She said after the 30 days, after the --

20 THE COURT: She had --

21 MR. PETRANO: -- she has nothing.

22 THE COURT: After the tapes and the rest of the  
23 stuff?

24 MR. PETRANO: After the transcript is made and after  
25 30 days go by, they're not required to keep anything.

(99)

(100)

1 THE COURT: Is that right?

2 THE COURT REPORTER: After 30 days goes by, we're not  
3 required to keep the tapes. We are required to keep the  
4 other -- the other thing.

5 MR. PETRANO: Then I apologize. I was informed that  
6 there was nothing else to -- because I had questioned some  
7 of the transcript based on those formatting issues I had  
8 mentioned earlier, and I wanted to get some other pages.  
9 She said that they were unavailable. "What you've got is  
10 what you've got," and she insisted that it was mailed  
11 directly to Mr. Adams, but I'm not trying to introduce any  
12 testimony because she is not available. So I didn't call  
13 her.

14 THE COURT: Well, what --

15 MR. PETRANO: So...

16 THE COURT: -- do you say about that?

17 MR. ADAMS: I just want to make --

18 THE COURT: Again, I think it's incumbent upon you to  
19 show where the inaccuracies are. Just -- I don't think  
20 you could make a blanket statement, "Well, I read the  
21 transcript, and I know I didn't say that."

22 MR. ADAMS: Well -- that's --

23 THE COURT: And --

24 MR. ADAMS: That's why you're supposed to be -- could  
25 listen. The Rule clearly say if you challenge it --

(100)