

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Edmond S. Adams, #265717,

Applicant

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT

) CASE NO. 2023-CP-40-2976

) **FINAL ORDER OF DISMISSAL**


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EANNETTE W. McBRIDE
C.C.P. G.S., & F.R.P.

RICHLAND COUNTY
FILED

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by Edmond S. Adams (Applicant), filed on June 8, 2023. Respondent made its Return and Motion to Dismiss on October 5, 2023, requesting this action be summarily dismissed because it untimely, barred by the statute of limitations, successive to Applicant's previous PCR applications, barred by the doctrine of *res judicata*, and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014).

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed December 13, 2023, provisionally denying and dismissing this action while giving Applicant's Counsel twenty days from the date of service of said order in which to show why the Conditional Order of Dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an affidavit of service dated January 8, 2024, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant filed a response on January 18, 2024, captioned "Response to the Conditional Order of Dismissal," wherein Applicant argues "there are rock solid exceptions to these asserted defenses," and he deserves a hearing.


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As an initial matter, this Court has reviewed the claims set forth in Applicant's response to the Conditional Order of Dismissal which include allegations [11-A-1]: denial of the right to PCR counsel in his first PCR action; [11-B-1]: denial of the right to counsel at his competency hearing on April 10, 2000; [11-B-2]: "The State and the Court just vanished [his] Federal Law Claim"; [11-B-3 & 11-B-6]: the first PCR order of dismissal does not state Applicant had effective assistance of counsel; [11-B-4]: denied right to counsel before his psychiatric examinations; [11-B-5]: denied effective assistance at his pretrial hearing; [11-C-1 & 11-C-2]: denied PCR counsel to help amend his application; [11-D-1]: involuntary waiver of right to counsel; [11-D-2]: waiver was "grounded in mistreatment"; [11-E-1 & 11-E-2]: "court should entertain these claims on the merits because they are connected to the new law in State 'vs' Dial"; [11-F-1, 11-G-1, 11-H-1, 11-H-2, 11-H-3, 11-I-1, & 11-J-1]: subject matter jurisdiction claims.

All of the claims except for [11-E-1 & 11-E-2] have previously been addressed in his prior PCR action (2020-CP-40-3837) and ruled upon, and this Court need not address those matters.

Turning to [11-E-1 & 11-E-2], the Applicant references "State 'v.' Dial" with no citation in this allegation. In Applicant's filing, he asserts, "The S.C. Court of Appeals used [his] purported waiver in the trial court to suffice as a waiver in the Appellate court, so these claims can be litigated under the discovery rule."

This Court has reviewed Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

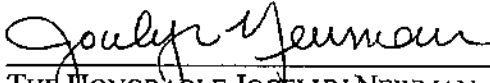
This Court reasserts its finding in the Conditional Order of Dismissal that the current PCR application must be dismissed because it is untimely, barred by the statute of limitations, successive to Applicant's previous PCR applications, barred by the doctrine of *res judicata*, and

for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014). Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make such a showing based on the information set forth in his application and response, and, therefore, he is not entitled to an evidentiary hearing in this matter. Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court's conditional order of dismissal, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises Applicant he must file and serve a notice of appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 12th day of February, 2024.



THE HONORABLE JOCELYN NEWMAN
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated C. Mungo (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)

COUNTY OF lancaſter)

AFFIDAVIT OF PERSONAL SERVICE

On this 8th day of January ²⁰²⁴~~2023~~, I served the Conditional Order of Dismissal (2023-CP-40-2976), on Inmate Edmond S. Adams, III, SCDC Inmate #265717 by delivering personally and leaving a copy of the same at KERSHAW Correctional Institution. Deponent is not a party to this action.

s/ C. Mungo

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 8th day of January, 2023

Donna A TrueDale (L.S.)

Notary Public for South Carolina

My Commission Expires: March 03, 2031

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal (2023-CP-40-2976) is admitted at the South Carolina Department of Corrections Kershaw Correctional Institution),

lancaſter County, SC this 8th day of January, ²⁰²³~~2023~~²⁰²⁴

s/ Edmond S. Adams III
Inmate

SCDC Inmate #: 265717