

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

George M. Adams, #181283,

Applicant

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT

) CASE NO. 2025-CP-40-03368

) **ORDER DENYING APPLICANT'S**
) **MOTION PURSUANT TO**
) **RULE 59(e), SCRC**

RICHLAND COUNTY
FILED
2025 DEC 10 AM 10:59
JANETTE W. McBRIDE
CLERK, S.C.P., G.S., & F.D.

This matter comes before the Court by way of George M. Adams' (Applicant) "Motion for Reconsideration Fraud on the Court" and "Motion to Amend or Correct Judgment Fraud on the Court" filed June 5, 2025, wherein Applicant requests this Court reconsider its summary dismissal based on Judge Benjamin's Order dated January 12, 2017.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. In October 1992, the Richland County Grand Jury indicted Applicant for armed robbery (1992-GS-40-11316) and murder (1994-GS-40-11317). William M. Nettles, Esquire, and Franklin Draper, Esquire, represented Applicant.¹

On June 23, 1994, Applicant proceeded to trial before the Honorable L. McKeller. The jury found Applicant guilty as indicted. Judge McKeller sentenced Applicant to imprisonment for concurrent terms of life for murder and twenty-five years for armed robbery.

¹ Prior to these charges, on September 17, 1991, Applicant pled guilty to burglary in the first degree (1991-GS-40-5731) and larceny (1991-GS-40-5730). The Honorable William Byrd Traxler, Jr., sentenced Applicant to fifteen (15) years suspended upon the service of twenty-four (24) months imprisonment followed by five (5) years probation. Applicant did not appeal his convictions or sentences.

A timely notice of appeal on the murder and armed robbery matter was filed on Applicant's behalf, and an appeal was perfected by the South Carolina Office of Appellate Defense. By order filed April 29, 1996, the Supreme Court of South Carolina affirmed Appellant's conviction and sentence. State v. Adams, Op. No. 24420 (S.C. Sup. Ct. filed April 29, 1996). The Remittitur was returned on May 15, 1996.

1996-CP-40-01786

The Applicant subsequently filed his first PCR application on May 14, 1996. Respondent filed its return on September 23, 1996. An evidentiary hearing into the matter was convened on October 17, 2000, at the Richland County Courthouse. Applicant was present at the hearing and was represented by J. Preston Strom, Jr, Esquire, and Mario Pacella, Esquire. On August 20, 2002, the Honorable L. Casey Manning issued the order of dismissal denying Applicant's application for post-conviction relief.

2004-CP-40-03481

Applicant filed his second application for PCR on July 22, 2004, in which he alleged:

1. Ineffective Assistance of Counsel
2. Subject Matter Jurisdiction

The State filed its return and motion to dismiss on June 21, 2005. Applicant was represented by Charlie J. Johnson, Jr., Esquire. The Honorable J. Ernest Kinard, Jr., issued a conditional order of dismissal on June 29, 2005, that provisionally denied the application and gave Applicant twenty (20) days to respond. After no response, Judge Kinard issued a final order of dismissal on August 4, 2005.

2006-CP-40-05620

On September 26, 2006, Applicant filed his third application for PCR relief, alleging that his PCR counsel in his first PCR action was ineffective because he failed to file an appeal from

the denial of that application. He was represented by Charles T. Brooks, III, Esquire. The remedy he sought was the right to a belated appeal. On May 21, 2007, Applicant filed an amended application alleging ineffective assistance of trial counsel. On September 28, 2007, the Honorable G. Thomas Cooper granted the belated appeal and dismissed this application.

On February 15, 2008, Robert M. Pachak, Esquire, of the South Carolina Office of Appellate Defense, filed a Johnson² petition for a writ of certiorari pursuant to Austin v. State³, seeking a belated appeal on his first PCR application at the Supreme Court of South Carolina. Applicant also filed a *pro se* petition for writ of certiorari on March 6, 2008, to the Supreme Court of South Carolina. The State filed its return on February 19, 2008. On November 25, 2009, an order was issued by the South Carolina Court of Appeals⁴ that granted the petition, considered the contents, ultimately denied the relief requested, and granted Mr. Pachak's request to withdraw as counsel. Applicant filed a *pro se* petition for rehearing on December 7, 2009, which was denied on January 21, 2010. The Remittitur was returned to the circuit court on February 25, 2010.

2013-CP-40-01336

Applicant filed his fourth application for post-conviction relief in which Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Trial Counsel,"
2. "Involuntary Guilty Plea,"
 - a. "The 1991 conviction is being used to adversely affect his current sentence,"
 - b. "No waiver of the constitutional rights was accomplished by colloquy between the court and Applicant, or between the court and Applicant's counsel, nor both,"
3. "Subject matter jurisdiction,"
 - a. "Applicant alleges that plea counsel advised him to plead guilty to an indictment that was amended by the solicitor to Burglary First."

² Johnson v. State, 294 S.C. 310, 374 S.E.2d 201 (1988).

³ Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

⁴ On July 11, 2008, the Supreme Court issued an order transferring a number of cases to the Court of Appeals pursuant to Rule 227(1) SCACR.

The State filed its return and motion to dismiss on or about March 31, 2014. The Court issued a conditional order on April 9, 2014, and, upon the expiration of the twenty (20) days provided, the Honorable L. Casey Manning signed a final order of dismissal on February 12, 2015. On February 24, 2015, Applicant filed a Rule 59(e) motion to alter or amend by and through Tommy A. Thomas, Esquire. The State filed a return to this motion on April 16, 2015. On May 21, 2015, Judge Manning issued an amended final order of dismissal that took into account the information presented in Applicant's motion, yet found that it was information that could have been presented in an earlier application.

Applicant filed a notice of appeal with the Supreme Court of South Carolina on June 22, 2015, by and through Mr. Thomas. The matter was dismissed on September 3, 2015, and the Remittitur was returned on September 21, 2015.

2014-CP-40-07135

Applicant filed his fifth current application for post-conviction relief on November 13, 2014, in which Applicant alleged that he was being held in custody unlawfully for the following reasons:

1. Ineffective assistance of appellate counsel/trial counsel
2. Newly discovery evidence 29(b) motion for new trial
3. Subject matter jurisdiction failure to give notice in indictment

The State filed an In re Theron Maxton, 325 S.C. 3, 478 S.E.2d 679 (1996) motion, and on January 3, 2015, the Honorable DeAndrea G. Benjamin issued an order restricting future filings. The State filed a return on October 21, 2015. On March 1, 2017, Honorable DeAndrea G. Benjamin issued the order of dismissal denying Applicant's application for post-conviction relief.

3:11-31-DCN-JRM

Applicant filed a *pro se* Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 on January 25, 2011. Applicant set forth the following grounds for relief:

1. Trial counsel's failure to object to the use of an uncharged armed robbery use against petitioner at trial.
2. Counsel was ineffective in failing to object to the misleading and incorrect reasonable doubt charge.
3. Counsel was ineffective in failing to secure Lt. Wilson for cross-examination.
4. Counsel rendered ineffective assistance during the preliminary hearing for failure to obtain the June 18, 1992 arrest warrants.
5. Counsel rendered ineffective assistance in failing to object to the false and perjured testimony adduced to obtain the search warrant.
6. Counsel was ineffective for not challenging the perjury testimony used at trial on probable cause which the officer adduced as reliable to obtain the arrest warrants.
7. Counsel was ineffective for failure to challenge the chain of custody on the evidence used at trial.
8. Counsel's failure to object and request the solicitor show pretext and counsel's failure to object to jurors who were struck from the first jury panel placed back into the jury pool and on the jury picked.
9. South Carolina Department of Corrections is without subject matter jurisdiction to hold petitioner on an unindicted charge not sentenced.
10. Counsel was ineffective for failure to request the charge on the use of co-defendants guilty pleas at trial.
11. Counsel was ineffective by providing erroneous advice regarding whether petitioner should testify.
12. Counsel was ineffective for failure to call James Brown to testify to exculpatory evidence.
13. Counsel rendered ineffective assistance at the Jackson-Denno hearing.
14. Petitioner was denied by the PCR Judge on the first application dismissing his PCR specific findings of facts in the order in regards to each issue amended/raised.
15. Petitioner asserts that South Carolina Supreme Court was without proper subject matter to transfer the writ certiorari PCR appeal to the South Carolina Court of Appeals.
16. Petitioner asserts that his appellate counsel on writ certiorari was ineffective for failing to properly address all the claims preserved for appellate review.
17. Petitioner asserts he was denied effective assistance of trial counsel because of the court's [failure] to acquire subject matter jurisdiction to convict him on a illegal indictment brought by the grand jury October 15, 1992.
18. Petitioner's *pro se* 59(e) motion served on his first PCR application has not been ruled on by the lower court.
19. Petitioner asserts that the jury trial judge unconstitutional instructions on the law of inferred malice from the use of a deadly weapon, prejudiced him to a fair trial.

20. Trial counsel [] rendered ineffective assistance for failure to hold requested preliminary hearing on the June 18, 1992 arrest warrants.
21. Trial counsel were ineffective and denied Petitioner his sixth and fourteenth amendment rights to a fair trial were accomplice (Brown) did not testify and his guilty plea statement was used in petitioner's trial.
22. Petitioner was denied effective assistance of trial counsel for failure to present evidence of the grand jury who returned the trial indictments. Also returned another indictment for armed robbery being committed on June 19, 1992.
23. Petitioner's trial counsel were ineffective for failure to challenge petitioner's participation in the event leading up to and following the murder of Joe Collins, where Petitioner was given a great sentence imposed by the South Carolina Court constitutionally permissible when petitioner neither specifically intended to kill the victim and neither inflicted the fatal gunshot wound.

The State filed its Return and Motion for Summary Judgment on August 22, 2011. On January 23, 2012, the Honorable Joseph R. McCrorey issued a Report and Recommendation granting the State's motion for summary judgment and denying Applicant's petition.

On March 5, 2012, the Honorable David C. Norton, United States District Judge, adopted the Magistrate's Report and Recommendation granting Respondent's Motion for Summary Judgment and dismissed Applicant's petition. On March 14, 2012, Applicant filed a motion specifically requesting a certificate of appealability, which was denied in an order signed by Judge Norton on February 13, 2013. On March 28, 2012, Applicant filed a Rule 59(e) motion to alter or amend, and/or reconsider, the judgment, which was denied by an order of Judge Norton signed on July 18, 2012. He further moved, on June 25, 2012, for the Court to appoint him counsel or a guardian *ad litem*, and this was denied by an order of Judge Norton signed on June 28, 2012. On March 5, 2013, Applicant filed a Rule 59(e) motion for reconsideration regarding the denial of the certificate for appealability. This motion was denied by Judge Norton on March 12, 2013.

On March 14, 2012, Applicant filed a notice of appeal to the United States Court of Appeals for the Fourth Circuit. On April 10, 2012, the Court of Appeals issued an order suspending the appeal pending the District Court's ruling. On March 8, 2013, the Court of Appeals issued a

judgment denying the certificate of appealability and dismissing the appeal. On March 25, 2013, Applicant filed a motion for rehearing and rehearing *en banc*. This stayed the issuance of the mandate, as noted by the Court in a filing of the same date. The motion was denied in an order dated April 30, 2013, and the mandate was issued on May 8, 2013.

On September 10, 2013, Applicant appealed this decision to the Supreme Court of the United States. The State filed a waiver of appearance on October 16, 2013. Applicant's petition was denied by an order dated November 18, 2013.

0:13-cv-3023-DCN

On November 6, 2013, Applicant filed an action seeking to hold Cyndi Halupa, Deputy Clerk for the United States Court of Appeals for the Fourth Circuit, liable to Plaintiff for her alleged mishandling and refusal to file documents relating to his appeal of a denial of a certificate of appealability. United States Magistrate Judge Paige J. Gossett filed a report and recommendation on March 6, 2014, recommending that the complaint be summarily dismissed without prejudice and without issuance or service of process. The Honorable David C. Norton adopted this recommendation and dismissed the matter without prejudice and without issuance and service of process in an order dated April 15, 2014.

0:15-cv-00107-DCN

On January 1, 2015, Applicant filed a petition for a writ of habeas corpus with the United States District Court. On February 5, 2015, United States Magistrate Judge Paige J. Gossett filed a report and recommendation that recommended a dismissal without prejudice and without requiring the State to file a return due to the successive nature of this petition. No objections were filed, and the Honorable David C. Norton adopted the recommendation, dismissing the action without prejudice and without requiring the State to file a return, and denied a certificate of

appealability, on February 27, 2015.

2017-CP-40-04448

Applicant filed his *fifth* application for post-conviction relief on July 26, 2017. The State filed its return and motion to dismiss based on Judge Benjamin's Order Restricting Future Filings filed on January 12, 2017. On April 27, 2018, the Honorable Robert E. Hood dismissed Applicant's PCR action with prejudice.

Applicant did not appeal Judge Hood's order.

CURRENT ACTION BEFORE THE COURT

Applicant untimely filed this *sixth* PCR action on May 12, 2025. This Court issued a Form 4 Order dismissing this action on May 19, 2025, pursuant to Judge Benjamin's Order Restricting Future Filings filed on January 12, 2017.

APPLICANT'S MOTION TO ALTER OR AMEND

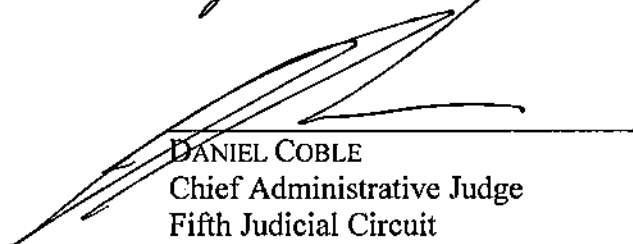
On June 5, 2025, Applicant filed a timely "59(e) Motion for Reconsideration Fraud on the Court" and "Motion to Amend or Correct Judgment Fraud on the Court," filed June 5, 2025, wherein Applicant requests this Court reconsider its summary dismissal based on Judge Benjamin's Order dated January 12, 2017. Applicant continues to attempt to circumvent Judge Benjamin's Order Restricting Future Filings. This Court has carefully reviewed the submission of Applicant and has reviewed the record again in this matter. After careful consideration, this Court declines to alter or amend the prior ruling of the Court. Thus, Applicant's motions are DENIED.

CONCLUSION

After careful consideration of the arguments of Applicant and review of the record, this Court reasserts its Form 4 Order denying this action, and accordingly, Applicant's motion for reconsideration is **DENIED**.

IT IS THEREFORE ORDERED that Applicant's motion is hereby **DENIED AND DISMISSED**.

AND IT IS SO ORDERED this 9 day of Dec, 2025.


DANIEL COBLE
Chief Administrative Judge
Fifth Judicial Circuit

Highland, South Carolina