

The Supreme Court of South Carolina

George M. Adams, #181283, petitioner,
v.

South Carolina Department of Probation, Parole and
Pardon Services, Respondent.

Appellate Case No. 2013-002217

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SC Court of Appeals

ORDER

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FEB 25 2015
SC Court of Appeals

Petitioner has filed a motion to recall the remittitur in this case. He asks this Court to accept jurisdiction over this appeal to consider the motion.

The request to accept jurisdiction over this appeal is denied, and the motion to recall the remittitur shall be forwarded to the South Carolina Court of Appeals for its consideration.



C.J.
FOR THE COURT

Columbia, South Carolina
February 24, 2015

cc: Mr. George M. Adams, 181283
Tommy Evans, Jr., Esquire
The Honorable Jenny Abbott Kitchings

George M. Adams, #181283
Perry Correctional Institution
430 Oaklawn Road
Pelzer, S.C. 29669

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FEB 25 2015

SC Court of Appeals

Date: FEBRUARY 18, 2015

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, S.C. 29211

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FEB 24 2015

RE: George Adams v. SCDPPPS,
Appellate Case No. 2013-001561

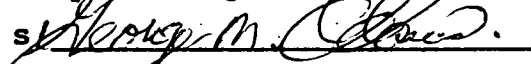
S.C. Supreme Court

Dear Hon. Shearouse,

Enclosed please find the original and one copy of a Motion under SCACR 221 (b). Therefore, would you please file stamp both motions upon returning the copy to me in the self addressed envelope for my file.

Thanks in advance!

Respectfully


George M. Adams, #181283

COPY RETURNED FEB 24, 2015

cc: gma, #181283

TE, Jr. Esq:

ORIGINAL

George M. Adams, #181283
Perry Correctional Institution
430 Oaklawn Road
Pelzer, S.C. 29669

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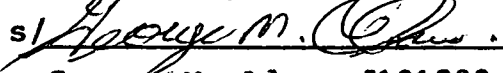
Tommy Evans, Jr., Esq.
South Carolina Department of Probation,
Parole and Pardon services
2221 Devin Street, Suite 600
Columbia, S.C. 29205

S.C. Supreme Court

RE: George M. Adams v. SCDPPPS,
Appellate Case No. 2013-001516

Dear Attorney Evans,
Enclosed and served upon you is a Motion pursuant to South
Carolina Appellate Court Rule 221 (b).

Respectfully

s/ 
George M. Adams, #181283

cc: File
TE, Jr. Esq.
S.C. Supreme Court
S.C. Court of Appeals

ORIGINAL

THE SUPREME COURT OF SOUTH CAROLINA
APPELLATE CASE NO. 2013-001561

RECEIVED

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SC Court of Appeals

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FEB 24 2015

George M. Adams, #181283,
Petitioner,

v.

South Carolina Department of Probation,
Parole and Pardon services,
Respondent.

S.C. Supreme Court

Motion To Recall Remittitur

Jurisdiction

Petitioner respectfully moves before this Honorable Court requesting to accept jurisdiction on Appellate Case No. 2013-001561 pursuant to South Carolina Appellate Court Rule 221 (b), on recalling the January 2, 2015, Remittitur issued by the Deputy Clerk of Court for South Carolina Court of Appeals due to the following:

Background on Appeal

August 11, 2014, Petitioner handed Perry Correctional Mailroom postal director a Certificate of Service attached to his pro se final brief and final reply brief for filing in the South Carolina Court of Appeals.

December 23, 2014, Petitioner handed Perry Correctional Mailroom a Pro se handwritten petition for reinstatement of Appellate Case No. 2013-001561, along with certificate of service.

January 13, 2015, Petitioner handed Perry Correctional Mailroom a Pro se handwritten Motion to Recall Remittitur on Appellate Case No. 2013-001561.

February 5, 2015, The Supreme Court of South Carolina dismissed

Petitioner's request for a Writ of Certiorari. In the Court's Order it was stated that the following procedure took place. (No Petition for rehearing or reinstatement was received by the Court of Appeals, the Court of Appeals properly sent the Remittitur). Appellate Case No.2015-000203.

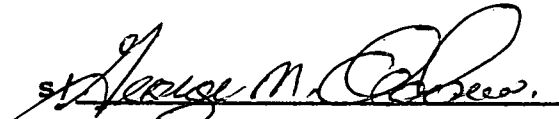
Exception

Petitioner asserts that Rule 221 (b), SCACR retains this Court's, as well as the South Carolina Court of Appeals jurisdiction over this case. January 28, 2015, Perry Correctional Mailroom issued a statement clearly specifying that Petitioner's legal documents dated above was received in the Perry Correctional facility mailroom. That the legal documents was sent out in the secured institutional mailbag containing interdepartmental and interagency mail on above dates.

Petitioner's 260 (A) SCACR petition for reinstatement and 221 (b) Motion recalling the Remittitur was filed by Perry Correctional facility postal director when Petitioner handed the individual his legal documents, within the time frame prescribed by South Carolina Appellate Court Rules. Houston v. Lack, 487 U.S. 266 (1988). Petitioner should be excused for the default or neglect of failure to provide the South Carolina Court of Appeals clerk his petition for reinstatement within (15) days by South Carolina Appellate Court Rule 221 (b). N.C. Merchant, postal director, Perry Correctional Institutional, secured Petitioner's legal filing addressed to South Carolina Court of Appeals and South Carolina Department of Probation, Parole and Pardon services in the institutional mailbag containing interdepartmental and interagency mail August 11, 2014, December 23, 2014 and January 13, 2015. instead of through the United States Postal Service. Perry Correctional facility postal director interference on services of Petitioner's Motions on the South Carolina Court of Appeals Clerk in the blame. State v. Keel, 17 S.E. 802 (1893).

Conclusion

Based on the circumstances that it is evident Petitioner's filings have been lost or destroyed in the process of mailing within the South Carolina Department of Corrections agency mailing. Appellate Case No.2013-001561 Remittitur is to be recalled, and the appeal in South Carolina Court of Appeals reinstated.



George M. Adams

George M. Adams, #181283

Date: FEBRUARY 18, 2015
Pelzer, S.C. 29669

CERTIFICATE OF SERVICE

I, inmate George M. Adams, #181283, Pro se, housed at Perry Correctional facility, Certify that I have served the SCACR 221 (b) Motion to recall the Restitutur in reference to above case, along with exhibits on the individual below addressed as follows:

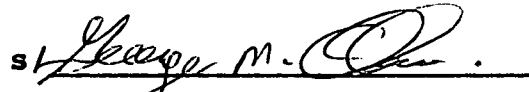
Respondent

Tommy Evans, Jr., Esq.
2221 Devin Street, Suite 600
Columbia, S.C. 29205

RECEIVED

FEB 25 2015

SC Court of Appeals


George M. Adams, #181283

SWORN TO ME THIS 18 DAY OF 02, 2015,
Tamara Cmwell, (L.S.)

My Commission Expires: ~~My Commission Expires~~
September 25, 2023