

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

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MAR 10 2015

George M. Adams, #181283,
Petitioner,

COURT OF APPEALS
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FEB 24 2015

v.

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

S.C. Supreme Court

Motion To Recall Reittitur

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, Reittitur 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 Reittitur on Appellate Case No. 2013-001561.

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

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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 is the blame. State v. Keel, 17 S.E. 802 (1893).

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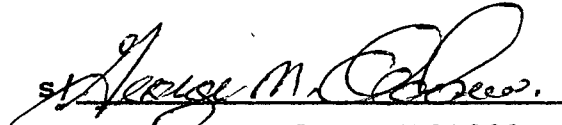
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Conclusion

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, #181283

MARCH 4, 2015

Date: FEBRUARY 18, 2015

Pelzer, S.C. 29669

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**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
REQUEST TO STAFF MEMBER**

TO: NAME: Ms. CONWELL	TITLE: Postal Director	DATE: 1-23-15
INMATE'S NAME: GEORGE ADAMS	JAN 27 2015	SCDC #: 181283
INSTITUTION: PERRY Facility		LIVING QUARTERS: Q3A 206

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JAN 30 2015
PCI Mailroom

August 11, 2014, I handed Lee Correctional Facility mail room postal director my final brief with certificate of service and my reply brief with certificate of service on appellate case 2013-001561 which was sent with the SCDC agency mail.

August 19, 2014, the Appeals Court of South Carolina Deputy Clerk of Court forwarded me a letter. I have not received this letter!

December 15, 2014, the Deputy Clerk of Court issued an order dismissing my appeal because of never receiving my legal documents nor complying with the orders in the August 19, 2014, letter.

OVER ON BACK →

DISPOSITION BY STAFF MEMBER:

Already responded.

Thanks!

DATE:

1-30-15

SIGNATURE:

G. Muckart

~~335569~~

Therefore, YES I NEED A STATEMENT TO PROVIDE TO THE COURT
IN SUPPORT OF FILING MY LEGAL DOCUMENTS AND YOUR RECORDS
WILL SHOW THAT I NEVER SIGNED FOR RECEIPT OF A AUGUST
14, 2014 LETTER FROM THE COURT.

THANKS

50

Receipt of Legal Correspondence
Verification

This is to verify that legal correspondence addressed to the following :

Tommy Evans

SC Dept. of Probation, Parole & Pardon Ser.
2221 Devine Street, Suite 600
Columbia, SC 29250

from:

George Adams #181282

Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

was received in the Perry Correctional Mailroom on August 11, 2014, on December 23, 2014 and on January 13, 2015. This correspondence was sent out in the secured institutional mailbag containing interdepartmental and interagency mail on those same dates.

N.C. Merchant

N C Merchant – Postal Director
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

January 28, 2015

Date

Receipt of Legal Correspondence
Verification

This is to verify that legal correspondence addressed to the following :

South Carolina Court of Appeals

P.O. Box 11629

Columbia, SC 29211

from:

George Adams #181282

Perry Correctional Institution

430 Oaklawn Road

Pelzer, SC 29669

was received in the Perry Correctional Mailroom on August 11, 2014, on December 23, 2014 and on January 13, 2015. This correspondence was sent out in the secured institutional mailbag containing interdepartmental and interagency mail on those same dates.

N.C. Merchant

N C Merchant – Postal Director

Perry Correctional Institution

430 Oaklawn Road

Pelzer, SC 29669

January 28, 2015

Date

The Supreme Court of South Carolina

DANIEL E SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

COLUMBIA
SC 290
24 FEB '15
PM 4 L

Hasler

02/24/2015

US POSTAGE

FIRST-CLASS MAIL

\$00.48



ZIP 29201
011D12602823

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MAR 02 2015

PCI Mailroom

GEORGE M. ADAMS, 181283
PERRY CORRECTIONAL INSTITUTION
430 OAKLAWN ROAD
PELZER, SC 29669

3A204

29669870499



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

ORDER

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

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 Reittitur in reference to above case, along with exhibits on the individual below addressed as follows:

Respondent

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

George M. Adams
George M. Adams, #181283

SWORN TO ME THIS 18 DAY OF 02, 2015,
Tamara Cinwell, (L.S.)
My Commission Expires: My Commission Expires
September 25, 2023

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SWORN TO ME THIS — day of —, 2015,
_____, (L.S.)
My Commission Expires _____.

George M. Adams

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SC Court of Appeals

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

Date: FEBRUARY 18, 2015
DATE: MARCH 4, 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

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COPY RETURNED FEB 24, 2015

cc: gra, #181283

TE, Jr. Esq:

original

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SC Court of Appeals

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

Date: FEBRUARY 18, 2015

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

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S.C. Supreme Court

RE: George M. Adars 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. Adars, #181283

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

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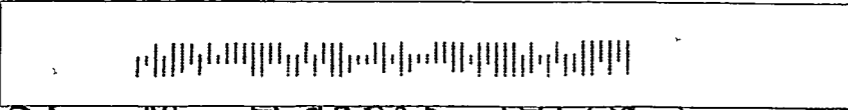
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SC Court of Appeals

ORIGINAL



GEORGE M. ADAMS, 101205
 PERRY CORRECTION INSTITUTION
 430 OAKLAWN ROAD
 PELZER, S.C. 29669



REC-111
 MAR 1 2015
 SC Court

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South CAROLINA COURT OF APPEALS
 JENNY A. KITCHINGS, CLERK
 Post Office Box ~~1111~~
 Columbia, S.C. 29211