

GEORGE M. ADAMS #181283
PERRY CORRECTION INSTITUTION
430 OAK LAWN ROAD
PELZER, S.C. 29669

DATE: SEPTEMBER 30, 2015

THE SOUTH CAROLINA SUPREME COURT
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, S.C. 29211

RECEIVED

SEP 30 2015

P.C.I. MAILROOM

GEORGE M. ADAMS v. STATE,

APPELLATE CASE NO. 2015-001394

RECEIVED

OCT 06 2015

S.C. SUPREME COURT

DEAR CLERK,

PLEASE FIND ENCLOSED THE ORIGINAL AND ONE COPY OF PRO SE APPELLANT'S MOTION FOR REINSTATEMENT OF ABOVE REFERENCED APPEAL, OR RECONSIDERATION OF APPELLANT'S EXPLANATION. ALONG WITH CERTIFICATE OF SERVICE REGARDING THE ABOVE MATTER. THEREFORE, WOULD YOU PLEASE RETURN THE COPY TO ME IN THE SELF-ADDRESSED ENVELOPE FOR MY FILE.

Respectfully

George M. Adams
GEORGE M. ADAMS #181283
PRO SE

CC: J. CLAYTON MITCHELL, ESQ.
TOMMY A. THOMAS, ESQ.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From Richland County
Court of Common Pleas
Post-Conviction Relief

HONORABLE L. CASEY MANNING - Judge

RECEIVED

OCT 06 2015

S.C. SUPREME COURT

Appellate Case No. 2015 - 001394

CERTIFICATE OF SERVICE

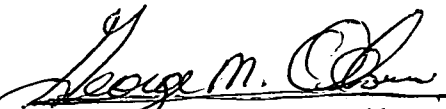
RECEIVED

SEP 30 2015

P.C.I. MAILROOM

I, George M. Adams, Appellant pro se certify that I have served
an petition for Reinstatement, along with Attachments and
Certificate of service on Tommy Arthur Thomas, Esq., and J.
Clayton Mitchell, Esq. on 9, 30, 2015 by depositing
a copy of it in the United States Mail, postage prepaid and
the return address clearly shown on said envelope to:

J. Clayton Mitchell, Esq.
Office of the Attorney General
PCR Division
Post Office Box 11549
Columbia, S.C. 29211



George M. Adams, 181283
Perry Corr. Inst., QA-206
430 Oak Lawn Rd.
Pelzer, S.C. 29669

THE SUPREME COURT OF SOUTH CAROLINA

George M. Adams, Petitioner,

v.

State of South Carolina, Respondent,

Appellate Case No. 2015-001394

RECEIVED

OCT 06 2015

S.C. SUPREME COURT

REINSTATEMENT OF APPEAL
AND OR RECON
RECONSIDERATION OF EXPLANATION

RECEIVED

SEP 30 2015

P.C.I. MAILROOM

George M. Adams

GEORGE M. ADAMS, #

PERRY CORRECTIONS INSTITUTION

430 OAK LAWN ROAD

PIEZER, S.C. 29669

PRO SE

DATE: SEPTEMBER 30, 2015

STATEMENT OF CASE

JUNE OF 1994, PETITIONER WAS ALLEGEDLY INFORMED BY TRIAL COUNSEL AND DEPARTMENT OF CORRECTIONS THAT HE WAS PAROLE ELIGIBLE FEBRUARY 8, 2013.

DECEMBER 21, 2011, THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES INFORMED PETITIONER HE WAS NOT PAROLE ELIGIBLE AFTER TWENTY (20) YEARS OF SERVICES. SEE (EXHIBIT A).

APRIL 11, 1994, PETITIONER DID NOT ACCEPT THE PLEA OFFER BECAUSE HE WAS OF THE EXPECTATION OF PAROLE. SEE (EXHIBIT B).

MARCH 5, 2013, PETITIONER FILED A PCR APPLICATION OF ACTUAL DISCOVERY OF FACTS, THAT TRIAL COUNSEL WAS INEFFECTIVE FOR IMPROPERLY ADVISING HIM THAT HE WOULD BE PAROLE ELIGIBLE.

APRIL 3, 2014, THE LOWER COURT ISSUED A CONDITIONAL ORDER OF DISMISSAL GIVEN PETITIONER'S COUNSEL TWENTY (20) DAYS TO SHOW WHY THIS ORDER SHOULD NOT BECOME FINAL.

APRIL 30, 2014, PETITIONER'S PCR COUNSEL SERVED THE LOWER COURT A RETURN TO CONDITIONAL ORDER OF DISMISSAL, WHICH WAS FILED MAY 7, 2014, IN THE LOWER COURT REQUESTING AN EVIDENTIARY HEARING IN THE MATTER. SEE (EXHIBIT C).

FEBRUARY 12, 2015, THE LOWER COURT ISSUED JUDGMENT OF AN FINAL ORDER OF DISMISSAL. IN THE ORDER, NO REFERENCE WAS MADE CONCERNING THE APRIL 30, 2014, FILING.

FEBRUARY 25, 2015, PETITIONER'S PER COUNSEL FILED IN THE LOWER COURT AN NOTICE OF MOTION AND MOTION TO AMEND JUDGMENT. HIS UNDERSIGNED ATTORNEY SUBMITTED THE FOLLOWING GROUNDS IN SUPPORT OF HIS MOTION TO ALTER OR AMEND THE JUDGMENT:

1. THE FINAL ORDER OF DISMISSAL INDICATES THAT THE APPLICANT DID NOT FILE A RETURN TO CONDITIONAL ORDER OF DISMISSAL,
2. A RETURN TO THE CONDITIONAL ORDER OF DISMISSAL WAS MAILED TO THE RICHLAND COUNTY CLERK OF COURT FOR FILING ON APRIL 30, 2014, AND CLOCKED IN ON MAY 7, 2015. SEE (EXHIBIT D).

APRIL 16, 2015, RESPONDENT SUBMITTED AN RETURN TO APPLICANT'S MOTION TO AMEND JUDGMENT. RESPONDENT AGREED TO APPLICANT'S CLAIM THAT TRIAL COUNSEL ADVICE CONCERNING PAROLE ELIGIBILITY WAS CORRECT ON THE DATE OF FEBRUARY 8, 2013. RESPONDENT ALSO, CONFIRMED THAT SOUTH CAROLINA DEPARTMENT OF CORRECTIONS (SUDC) RECORDS CLEARLY SHOWED ELIGIBILITY AFTER SERVING TWENTY (20) YEARS. SEE (EXHIBIT A). DECEMBER 21, 2012, WAS PETITIONER FIRST TIME BECOMING AWARE OF NOT BEING ELIGIBLE FOR PAROLE.

MAY 21, 2015, THE LOWER COURT ENTERED AN AMENDED FINAL ORDER OF DISMISSAL. NO REFERENCE WAS MADE CONCERNING COUNSEL'S ADVICE ABOUT PAROLE DATE OF FEBRUARY 8, 2013, NOR THE LOWER COURT CONSIDER WHETHER DECEMBER 21, 2012, WAS NEWLY DISCOVERED EVIDENCE.

JUNE 22, 2015, PETITIONER'S PCR COUNSEL FILED AN NOTICE OF INTENT TO APPEAL REGARDING THE ABOVE CASE. ALSO, A MOTION TO CORRECT THE ISSUE RAISED PURSUANT TO RULE 60(b) WAS FILED AT THE SAME TIME. THE LOWER COURT HAS NOT RULED UPON THIS MOTION. SEE (EXHIBIT E).

AUGUST 11, 2015, PCR COUNSEL FILED AN EXPLANATION AND CERTIFICATE OF SERVICE ON APPEAL IN SOUTH CAROLINA SUPREME COURT AS REQUIRED BY RULE 243(c) OF SOUTH CAROLINA APPELLATE COURT RULES. SEE (EXHIBIT F).

THIS REVIEW FOR REINSTATEMENT OF THE APPEAL IS AS

FOLLOWS:

REINSTATEMENT

SEPTEMBER 25, 2015, PETITIONER RECEIVED THE SOUTH CAROLINA SUPREME COURT'S ORDER DATED SEPTEMBER 3, 2015. SEE (EXHIBIT G).

PETITIONER MOVES THIS HONORABLE COURT PURSUANT TO SOUTH CAROLINA APPELLATE COURT RULE 221(b) PREVENTING THIS COURT ON SENDING THE REMITTATUR TO THE LOWER COURT, AND GRANTING THIS TIMELY PETITION FOR REINSTATEMENT UNDER SOUTH CAROLINA APPELLATE COURT RULE 260(A).

FIRST, THE 260(A) PETITION FOR REINSTATEMENT IS TO BE GRANTED BECAUSE OF THE UNADDRESSSED 60(b) MOTION FILED IN THE LOWER COURT,

SECONDLY, THE PREMATURELY FILING OF THE APPEAL AND OR EXPLANATION IS VOID.

Based upon the foregoing filings prematurely, petitioner ask this Honorable Court to relieve him of all representation of the Court's order dated September 3, 2015, until the June 22, 2015, 60(b) motion is properly ruled upon by the lower court. *Grannis v. Ordean*, 34 S.Ct. 779 (1914) (Fundamental Requisite of due process of law is the opportunity to be heard). (*Oats v. State*, 575 S.E.2d 557 (S.C. 2003)).

Petitioner Appeal is to be reinstated, held in abeyance, reversed and remanded to the lower court for a hearing to be held on the 60(b) motion determining whether petitioner's understanding about his parole eligibility affected the validity of the April 11, 1994, twenty-eight (28) years underlying plea offer.

St. George M. Adams
George M. Adams, 181283

DATE: September 30, 2015

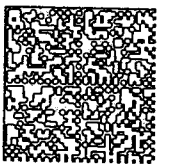
GEORGE M. ADAMS, #181283
PERRY (CORRECTIONAL) INSTITUTION
430 OAK LAWN ROAD
PELZER, S.C. 29669

RECEIVED

SEP 30 2015

P.C.I. MAILROOM

THE SOUTH CAROLINA SUPREME COURT
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, S.C. 29211



UNITED STATES POSTAGE
EAGLE
PRIMITY BROWNS
02 1M
0008004983
MAILED FROM ZIP CODE 29669
\$02.520
SEP 30 2015