

Exhibit C

Tommy A. Thomas

ATTORNEY AND COUNSELOR AT LAW

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(803) 732-6542**

April 30, 2014

Richland County Clerk of Court
Richland County Courthouse
P.O. Box 192
Columbia, SC 29202

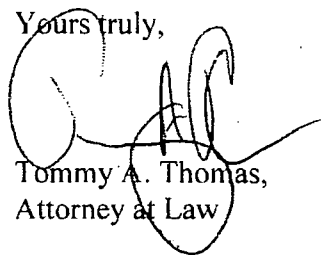
RE: George M. Adams #181283 v. State of South Carolina
Docket No.: 2013-CP-40-1336

Dear Sir or Madam:

Enclosed please find for filing, an original and a copy of a Return to Conditional Order of Dismissal as well as a Certificate of Service.

Kindly return a clocked copies to me in the enclosed envelope. Thank you for your assistance.

Yours truly,


Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: The Honorable L. Casey Manning
J. Clayton Mitchell, Esq.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

Docket No.: 2013-CP-40-1336

George M. Adams #181283,)
)
Applicant,)
vs.)
State of South Carolina,)
)
Respondent.)
_____)

RETURN TO CONDITIONAL
ORDER OF DISMISSAL

2014 MAY -7 AM 11:50
JEANNETTE W. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

That the Applicant, in response to the State's Conditional Order of Dismissal, would respectfully respond as follows:

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Richland County. At the October, 1992 term for the Richland County Grand Jury, Applicant was indicted for Armed Robbery (92-GS-40-11316) and Murder (92-GS-40-11317). Applicant proceeded to a trial by jury and was found guilty on June 23, 1994. The Honorable L. Henry McKellar sentenced Applicant to confinement for life for Murder and twenty-five (25) years consecutive for Armed Robbery.

On September 17, 1991, Applicant plead guilty to Burglary in the First Degree (91-GS-40-5731) and Larceny (91-GS-40-5730). The Honorable William Byrd Traxler, Jr., sentenced Applicant to fifteen years suspended upon the service of twenty four months imprisonment followed by five years' probation.

The Applicant is currently serving a Life Sentence with an expected parole eligibility of twenty (20) years. His SCDC computer printout always showed a parole date of February 8, 2013. On December 21, 2012, the Applicant received a letter from the South Carolina Department of Probation, Parole and Pardon Services informing him that he was not eligible for

parole as a result of being a subsequent violent offender. (Exhibit A). The Applicant is now serving life without parole.

At the time of his murder trial in 1994, the Applicant was offered a plea to twenty eight (28) years. He made a decision to take the case to trial under the assumption that he would be parole eligible after twenty (20) years if he was convicted on the murder charge. Had he been properly advised of the Subsequent Violent Offender Act he would have accepted the plea or negotiated a plea to have remained parole eligible.

1. The State contends that the current application for post-conviction relief filed March 5, 2013 is barred for failure to comply with the Uniform Post-Conviction Procedure Act. The Applicant pleaded guilty to the offense challenge in the current action on September 17, 1991. The State contends that the Applicant was required to file his application on or before July 1, 1997. However, the Applicant, while aware of the circumstances of his plea, was not aware of the direct prejudice that resulted from the plea induced by counsel's ineffective assistance until December 2012, when he received the letter from Probation and Parole. Under South Carolina Code 17-27-45(C), the Applicant is require to file the action within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. Upon discovery of the import of the prejudice that resulted from counsel's ineffective assistance, the Applicant promptly filed the current action.

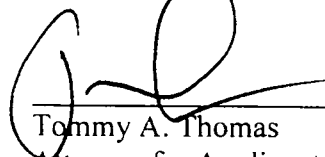
- a. When considering the State's motion for summary dismissal, where no evidentiary hearing has been held, the PCR judge must assume facts presented by the applicant are true and view those facts in the light most favorable to the applicant.

Leamon v. State, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (citing S.C. Code Ann. § 17-27-80).

2. The State contends that the Application for Post-Conviction Relief is barred under the doctrine of laches. If the State is affected by any unavailability of evidence due to the period of time between the guilty plea and the filing of the current application, the Applicant is surely impacted equally. The case at hand revolves solely around the importance of the plea and counsel's failure to properly advise. There is no unavailable evidence which would negatively impact the State in this case.

The Applicant is now serving a Life sentence without parole, when he believed for twenty (20) years that he was eligible for parole. The Applicant would respectfully request an evidentiary hearing in the matter.

Respectfully Submitted,



Tommy A. Thomas
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

April 30, 2014
Irmo, SC

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4001336

George M #181283 Adams

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 17 February 2015 to attorneys of record or to parties (when appearing pro se) as follows:

George M #181283 Adams

Tommy A Thomas

Megan Harrigan Jameson

George M #181283 Adams

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. [Signature]

Court Reporter _____

Clerk of Court _____

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

George M. Adams, #181283,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

2013-CP-40-01336

FINAL ORDER OF DISMISSAL

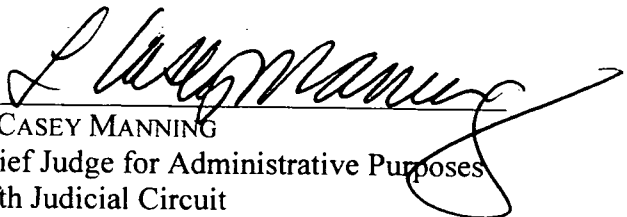
RECEIVED
COURT CLERK
2015 FEB 17 AM 11:23

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed March 5, 2013. Respondent made its Return and Motion to Dismiss on or about March 31, 2014, requesting that the Application be summarily dismissed. 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 April 9, 2014, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is a Certificate of Service dated April 10, 2014, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

The Applicant made no response to the Conditional Order of Dismissal within the twenty (20) day response period. This Court has reviewed the original pleadings and finds that a sufficient reason has not been shown 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 PCR is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 12 day of February, 2015.


L. CASEY MANNING
Chief Judge for Administrative Purposes
Fifth Judicial Circuit

Columbia, South Carolina.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

George M. Adams, #181283,

Applicant,

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

2013-CP-40-01336

AMENDED FINAL ORDER
OF DISMISSAL

JEANETTE W. McLEOD
C.C.P. & G.S.
2015 MAY 21 AM 11:12

RICHLAND COUNTY
FILED

This matter comes before this Court by way of Applicant's Motion to Amend Judgment filed on March 4, 2015, asking this Court to alter or amend its Final Order of Dismissal denying and dismissing Applicant's application for post-conviction relief.

I.

The record before this Court shows that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Richland County Clerk of Court. Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Richland County. On September 17, 1991, Applicant waived presentment to the Richland County Grand Jury and pleaded guilty to Burglary in the First Degree (91-GS-40-5731) and Larceny (91-GS-40-5730). Applicant was represented on this charge by Kathy Gettys, Esquire.¹ The Honorable William Byrd Traxler, Jr.,

¹ At the October 1992 term for the Richland County Grand Jury, Applicant was also indicted for Armed Robbery (92-GS-40-11316) and Murder (92-GS-40-11317). William M. Nettles, Esquire, and Franklin Draper, Esquire, represented Applicant. Applicant proceeded to a trial by jury and was found guilty as indicted on June 23, 1994. The Honorable L. Henry McKellar sentenced Applicant to confinement for life for Murder and twenty-five (25) years, consecutive, for Armed Robbery.

Applicant appealed his conviction and sentence and was represented by the South Carolina Office of Appellate Defense. The South Carolina Supreme Court affirmed Applicant's conviction and sentence on April 29, 1996 (*State v. Adams*, Op. No. 24420).

Applicant subsequently filed an application for post-conviction relief on May 14, 1996 against the 1992 indictments only (96-CP-40-1786). An evidentiary hearing was held on October 17, 2000 before the Honorable L. Casey Manning. Applicant was present and represented by J. Preston Strom, Jr. and Mario Pacella, Esquires. On August 20, 2002, Judge Manning denied and dismissed Applicant's PCR with prejudice.

sentenced Applicant to fifteen (15) years' imprisonment suspended upon the service of twenty four (24) months' imprisonment followed by five (5) years of probation. Applicant did not appeal his guilty plea or sentence.

II.

Applicant filed this action on March 5, 2013. Respondent made its Return and Motion to Dismiss on or about March 31, 2014, requesting that the Application be summarily dismissed. 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 April 9, 2014, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. A Certificate of Service was served on April 10, 2014. Respondent submitted a proposed Final Order of Dismissal on April 30, 2014. Applicant filed a Return to Conditional Order of Dismissal on May 7, 2014, urging this Court to grant a full evidentiary hearing to address the issues raised in his application. This Court issued its Final Order of Dismissal on February 7, 2015, finding that Applicant failed to respond within the twenty (20) days of service of the Conditional Order of Dismissal.

III.

In his motion, Applicant asserts that several of his allegations are not addressed sufficiently and asks this Court to reconsider its ruling. Respondent received Applicant's Return to Conditional Order of Dismissal on the same day it sent out a proposed Final Order of

Applicant filed a second application for post-conviction relief on July 22, 2004 (04-CP-40-3481). The Honorable J. Ernest Kinard, Jr. denied and dismissed Applicant's second PCR on August 4, 2005.

Applicant filed a third PCR application on September 26, 2006 (2006-CP-40-05620). The Honorable G. Thomas Cooper, Jr. denied and dismissed the application on October 1, 2007.

Applicant appealed Judge Cooper's Order and the Court of Appeals denied Applicant's Petition on November 25, 2009 and the matter was remitted to the lower court.

Dismissal that did address Applicant's objections. Applicant requests this Court grant him an evidentiary hearing on the issue that he was convicted of Murder and Armed Robbery and was sentenced to life imprisonment. Applicant's South Carolina Department of Corrections (SCDC) records showed he would be eligible for parole after serving twenty (20) years. Applicant received a letter on December 21, 2012, informing Applicant that he would not be eligible for parole as he is classified as a subsequent violent offender² and would remain in prison for his natural life. Applicant challenges the underlying violent convictions in this action used to classify him as a subsequent violent offender. Applicant argues this allegation should be considered newly discovered evidence and reviewed under S.C. Code § 17-27-45(C).

This Court finds it necessary to enter this Amended Final Order of Dismissal to address Applicant's allegations raised in the Return to the Conditional Order of Dismissal but not ruled upon in this Court's Final Order of Dismissal filed February 17, 2015. This Court finds the application should still be denied and dismissed with prejudice. A defendant requesting a new trial based on after discovered evidence must show that the evidence:

- (1) Is such as would probably change the result if a new trial was had;
- (2) Has been discovered since the trial;
- (3) Could not by the exercise of due diligence have been discovered before the trial;
- (4) Is material to the issue of guilt or innocence; and
- (5) Is not merely cumulative or impeaching.

Hayden v. State, 278 S.C. 610, 611-12, 299 S.E.2d 854, 855 (1983).

This Court finds Applicant has not shown that the evidence meets *any* of the requirements for after-discovered evidence. Applicant has been deemed a subsequent violent offender because of his previous violent convictions, and therefore will not become eligible for parole. This Court notes that Applicant has numerous convictions for armed robbery and burglary which would


² See S.C. Code § 24-21-640 ("The [parole] board must not grant parole nor is parole authorized to any prisoner serving sentence for a second or subsequent conviction, following a separate sentencing for a prior convictions, for violent crimes as defined in Section 16-1-60.")

deem him a violent offender. This Court also finds Applicant complains of a collateral consequence which is not cognizable under the PCR Act because it does not challenge the validity of his conviction or sentence. See Cooper v. State, 338 S.C. 202, 525 S.E.2d 886 (2000). This Court denies Applicant's request for relief, as no new grounds exist that could have not been raised in the previous applications.

This Court finds that as to all other allegations raised, this Court's Conditional Order of Dismissal and Final Order of Dismissal contain the required findings of facts and conclusions of law as required by S.C. Code Ann. § 17-27-80 (1976) and Rule 52(a) SCRPC. See also McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991).

This Court notes that if Applicant desires to secure appellate review of this Order and the Order of Dismissal, a notice of appeal must be filed and served within thirty (30) days of the service of this Order. Applicant is directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

AND IT IS SO ORDERED this 21 day of April, 2015.


L. CASEY MANNING
Chief Judge for Administrative Purposes
Fifth Judicial Circuit

Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Post-Conviction Relief
Honorable L. Casey Manning - Presiding Judge

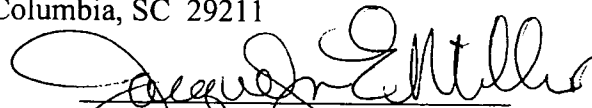
Case No.: 2013-CP-40-1336

George Adams #181283Petitioner,
vs.
State of South CarolinaRespondent.

CERTIFICATE OF SERVICE

I, Jacquelyn E. Miller, Secretary to Tommy A. Thomas, Attorney for Petitioner certify that I have served an Notice of Appeal on J. Clayton Mitchell, Esq. on June 22, 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
P.O. Box 11549
Columbia, SC 29211



Jacquelyn E. Miller
Tommy A. Thomas, Esq.
Attorney for Petitioner
7588 Woodrow Street
P.O. Box 88
Irmo, S.C. 29063

June 22, 2015