

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM RICHLAND COUNTY
JOCELYN NEWMANN, CIRCUIT COURT JUDGE

APPELLATE CASE No. 2019-001175
CASE No. 2019-CP-40-2137

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SEP 23 2019

SC Court of Appeals

GEORGE M. ADAMS, #181283, ... Appellant,

v
Richland County Sheriff's Department, ... Respondent.

Appellant's 29(b) Motion in Response
to Respondent's Return to Appellant's
Motion to Proceed In Form Pauperis

The Appellant GEORGE M. ADAMS, #181283 is currently
confined within the SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS. This Motion under 29(b) is based on Respondent's

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RETURN dated September 16, 2019.

IN THE CASE BEFORE THIS COURT ON APPEAL, SOUTH CAROLINA CODE OF LAWS TITLE 24-27-100, FILING FEES PROVISIONS OF LAW PERMITS THE FILING OF ABOVE APPEAL WITHOUT THE PAYMENT OF FILING FEES BY APPELLANT WHO IS A INDIGENT PERSON.

THE STATUTORY PROVISION DOESN'T WAIVE FILING FEES, INSTEAD, THE COURT UPON FIRST FILING THE ACTION ORDER THE APPELLANT TO PAY THE REQUIRED AMOUNT IN FULL FROM HIS TRUST ACCOUNT ADMINISTERED BY SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, AS THE MONEY BECOMES AVAILABLE. APPELLANT HAS PROVIDED A CERTIFIED COPY OF HIS TRUST ACCOUNT WITH THE CLERK THAT REFLECTS HIS ACCOUNT BALANCE AT THE TIME THE COMPLAINT WAS FILED.

APPELLANT'S ORIGINAL CLAIMS OF FALSE ARREST, FALSE IMPRISONMENT, PERJURY AND MALICIOUS PROSECUTION ARE BASED ON SOUTH CAROLINA CONSTITUTIONAL LAW APPLICABLE TO THE UNITED STATES CONSTITUTION.

THE PROVISIONS OF RULE 29(b) PLACE NO TIME LIMITATIONS ON THIS MOTION BASED ON WAVERLY MAGISTRATE OFFICE AMY HAWCOCK, CLERK OF COURT AFFIDAVIT (EXHIBIT A), AND UPPER

TOWNSHIP MAGISTRATE SHAVONE GRANT AFFIDAVIT
CLERK OF COURT, (EXHIBIT B). APPELLANT'S MOTION ON
AFTER DISCOVERED EVIDENCE ONLY REQUIRE THAT IT
BE FILED WITHIN A REASONABLE TIME AFTER DISCOVERY
OF THE EVIDENCE.

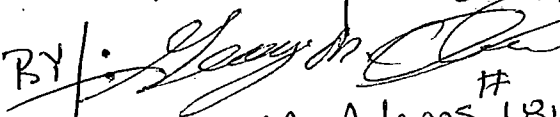
DECEMBER 4, 2018, APPELLANT INFORMED THE HONORABLE
TOMOTHY EDMOND, UPPER TOWNSHIP MAGISTRATE,
DEPUTY SUMMARY CLERK, SHAVONE GRANT, THE HONORABLE
JUDGE PEAY HAD ISSUED A WARRANT FOR MURDER AND A
WARRANT FOR ARMED ROBBERY AGAINST HIM JUNE 18, 1992,
(SEE EXHIBIT B). ALSO, EVIDENCE IN THE CRIMINAL CASE
AGAINST APPELLANT REVEALED JUDGE WOMBLE WAS INVOLVED,
AND INFORMED BY APPELLANT.

DECEMBER 11, 2018, CLERK OF COURT GRANT INFORMED APPELLANT
THAT THE WARRANTS WAS NOT WITHIN THE JURISDICTION FOR JUDGE
PEAY TO ISSUE. THAT'S WHEN APPELLANT BECAME AWARE, AND
QUESTION THE PROCESS OF RETURNING ABOVE WARRANTS TO
JUDGE PEAY'S OFFICE. JANUARY 2, 2019, JUDGE WOMBLE CLERK

AMY HANCOCK CONFIRMED THE EVIDENCE IN CONFLICT
CONCERNING THE ISSUANCE OF THE WARRANTS IN 1992.
THE RULE ALSO GIVES THE MAGISTRATE JUDGE JURISDICTION
TO ENTERTAIN THIS MOTION DESPITE THE END OF THE PARTI-
CULAR TERM.

RESPONDENT'S RETURN AND GROUNDS STATED CAUSES
A GREAT DEAL OF PREJUDICE FROM ITS LITIGATION
PRESENTLY BEFORE THE APPELLATE COURT, UNLESS
APPELLANT'S ORIGINAL COMPLAINT FILED APRIL 8, 2019
IS GRANTED, OR THIS COURT BECOME BOUND ON
ACCEPTING APPELLANT'S 29(b) MOTION NOW BEFORE THIS
COURT.

BASED ON THE FOREGOING ABOVE DISCUSSION, APPELLANT'S
SUPPORTED AFFIDAVIT ALONG WITH OTHERS, OPPOSES
RESPONDENT'S RETURN, AND REQUEST THIS COURT, TO ALLOW
APPELLANT TO PROCEED ON THE COURT'S ORDERS TO WITHDRAW
THE MONIES MAINTAINED IN THE PRISONER'S TRUST ACCOUNT
FOR PAYMENT OF FILING FEES UNTIL THE FILING FEES ARE
PAID IN FULL, AS THE MONIES BECOME AVAILABLE.

Respectfully Submitted
BY: 

GEORGE M. ADAMS, 181283
BROAD RIVER CORR. INST.,
4460 BROAD RIVER ROAD
COLUMBIA, S. C. 29210

DATE: SEPTEMBER 20, 2019

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South Carolina Summary Court



Exhibit A

**The Honorable Tomothy Edmond
Upper Township Magistrate**

400 Northeast Drive, Suite I
Columbia, South Carolina 29203

Phone (803) 576-2570
Facsimile (803) 576-2579

December 11, 2018

George M. Adams (#181283)
4460 Broad River Road – Wateree 147-B
Columbia, SC 29210

**Re: The State Vs. George M. Adams
Warrant Numbers: D369126, 27**

Dear Mr. Adams:

I have received your letter dated December 4, 2018 regarding the above mentioned warrant numbers. The two warrant numbers are for an Armed Robbery and also Murder. Both charges are not within the appropriate jurisdictional level of Magistrate / Summary Court. The Honorable Judge Peay has since retired, but was not responsible for the adjudication of either case listed.

You must speak to someone in General Sessions Court to receive documentation or for any requests for both warrants listed as we do not have the files you are seeking. The contact information for General Sessions is: 1701 Main Street, Columbia, SC 29202, their phone number is 803-576-1947 or 803-576-1999.

I urge you to talk to your personal legal representative for legal advice and other options you may have.

I hope this information helps.

Sincerely,

Shavone Grant
Deputy Summary Law Clerk
Upper Township Magistrate

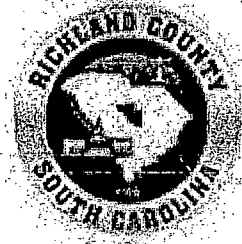


Exhibit B

Waverly Magistrate Office
2712 Middleburg Drive, Suite 106
Columbia, SC 29204
803-576-2590
hancocka@rcgov.us

January 2, 2019

Mr. George Adams,

The Waverly Magistrate is in receipt of your request for additional information regarding your arrest on June 17, 1992. Unfortunately, those records are only required to be retained for 15 years after the date of disposition, then destroyed.

After reviewing the documents that you sent, it looks like you probably already have copies of anything that may have been on file at this office.

Sorry that I could not be of more service.

Thank you,


Amy Hancock

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF APPEALS
CASE NO. 2019-001175

GEORGE M. ADAMS, #181283,
DEFENDANT,

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SC Court of Appeals

Richland County Sheriff's Dept.,
Respondent.

Affidavit of
GEORGE M. ADAMS, #181283

I GEORGE M. ADAMS, #181283, A PRISONER HOUSED IN SOUTH CAROLINA DEPARTMENT OF CORRECTIONS DECLARE UNDER THE PENALTY OF PERJURY, THAT, I DID NOT KNOW OF THE EXISTENCE OF THE DECEMBER 11, 2018 AND JANUARY 2, 2019 AFFIDAVITS AND INFORMATION CONCERNING ISSUANCE OF THE 1992 WARRANTS, AND THAT DECEMBER 4, 2018, HE USED DUE DILIGENCE TO DISCOVER SUCH EVIDENCE, AND, AS A COROLLARY MATTER, THE MAGISTRATE COURT JUDGE HAS THE OBLIGATION TO RESOLVE ANY CONFLICT IN THE EVIDENCE. I FURTHER SWEAR THAT, THE ARREST OF APPELLANT ON JUNE 17, 1992 IS MATERIAL TO HIS GUILT OR INNOCENCE.

SWORE TO BEFORE ME THIS
20th DAY OF September 2019,
NOTARY PUBLIC: [Signature]
MY COMMISSION EXPIRES: 8/5/2024

RESPECTFULLY
[Signature]
GEORGE M. ADAMS, #181283

LEGAL MAIL

CERTIFICATE OF SERVICE

I, GEORGE M. ADAMS, #181283, INMATE HOUSED IN SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DOES HEREBY CERTIFY THAT SERVICE OF APPELLANT'S 29 (b) MOTION AND EXHIBITS A, B WAS MADE UPON THE RESPONDENT'S COUNSEL BY PLACING A COPY IN THE UNITED STATES MAIL, FIRST CLASS POSTAGE PREPAID, AT THE BELOW LISTED ADDRESS THIS 20th DAY OF SEPTEMBER 2019.

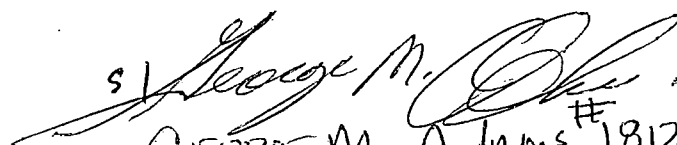
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SC Court of Appeals

ANDREW F. LINDEMANN,
ATTORNEY AT LAW

5 CALENDAR COURT, SUITE 202 (29206)
POST OFFICE BOX 6923
COLUMBIA, S.C. 29260

s/ 
GEORGE M. ADAMS, #181283

DATE: SEPTEMBER 20, 2019

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GEORGE M. ADAMS, #181283
BROAD RIVER CORRECTION INSTITUTION
4460 BROAD RIVER ROAD
COLUMBIA, S.C. 29210

DATE: SEPTEMBER 20, 2019

THE HONORABLE JENNY ABBOTT KITCHINGS, CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

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SEP 23 2019

SC COURT OF APPEALS

RE: GEORGE M. ADAMS, #181283 v. RICHLAND COUNTY SHERIFF'S
DEPARTMENT, CASE NUMBER: 2019-1175

DEAR Ms. KITCHINGS:

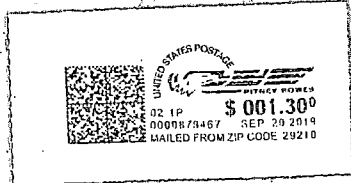
PLEASE FIND ENCLOSED FOR FILING THE ORIGINAL AND ONE COPY
OF APPELLANT'S MOTION IN RESPONSE TO RESPONDENT'S RETURN
TO APPELLANT'S MOTION TO PROCEED IN FORMA PAUPERIS IN THE
ABOVE REFERENCED MATTER. PLEASE FILE THE ORIGINAL AND RETURN
THE COPY TO ME CLOCKED-IN, I HAVE PROVIDED A SELF-ADDRESSED
ENVELOPE, AND A COPY SERVED ON RESPONDENT.

THANKS IN ADVANCE!

CC:
ANDREW F. LINDEMANN, ESQ.
5 CALENDAR COURT, SUITE 202 (29206)
POST OFFICE BOX 6923
COLUMBIA, S.C. 29260

Respectfully
s/ George M. Adams
GEORGE M. ADAMS, #181283

GEORGE M. Adams #
BROAD RIVER CORRECTION INSTITUTION
4460 BROAD RIVER ROAD
COLUMBIA, S.C. 29210



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SC COURT OF APPEALS

THE HONORABLE JENNY ABBOTT KITCHINGS,
CLERK OF COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

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