

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal From Richland County
Court of Common Pleas
Jocelyn Newman, Circuit Court Judge

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SC Court of Appeals

Appellate Case No.: 2019-001175
Case No.: 2019CP402137

George M. Adams, #181283.....Appellate,

V.

Richland County Sheriff Department.....Respondent.

Brief of Appellant

Respondent Attorney

Andrew F. Lindemann
5 Calendar Court, Suite 202
Columbia, S.C. 29260

Appellant
Appellant
George M. Adams
George M. Adams, #181283
Broad River Correction
4460 Broad River Rd.
Columbia, S.c. 29210

DATE: DECEMBER 4, 2019

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Statement of Issue on Appeal

Did the Lower court of Common Pleas error in denying imprisoned indigent prisoner venue to proceed in forma pauperis, filing challenging his conviction in magistrate court?

STATEMENT OF FACTS

On April 4, 2019, the appellant made service by mail a Summons and Complaint, Affidavit to proceed in forma pauperis, Notice of Hearing, Request for a Hearing, and Proposed Order to Transport to Magistrate Court.

On April 8, 2019, the Magistrate Court Clerk filed stamped inmate's Complaint and Motions.

On April 18, 2019, inmate's Complaint and Motions were filed in the Richland County Court of Common Pleas.

On May 28, 2019, Richland County Clerk of Court informed inmate in a letter that he had to pay the \$150.00 filing fee in order for the Complaint to be filed in the Court of Common Pleas before May 31, 2019, or the case would be dismissed.

On June 3, 2019, the Court of Common Pleas Judge issued a order dismissing the Complaint for failure to pay the required filing fee.

On June 18, 2019, inmate's Motion for Recommendation was denied.

ANd this Appeal is as follows:

A R G U M E N T

1. Appellant Adams access to file this Action in the Magistrate Court in the county where the most substantial part of the cause of Action arose is a fundamental right. South Carolina Magistrate

Court Rule 4(a) establishes jurisdiction, upon appellant filing of the Summons and Complaint in Magistrate Court, challenging the conviction. The Magistrate Clerk was required by South Carolina Magistrate Court Rule 5(c) to submit the motion and affidavit to proceed in forma pauperis to the Magistrate Judge whose ruling was not establish as to whether the Complaint (for the first time), failed wihtin one of the due process exceptions or whether the cause of action concerned a fundamental right that requires waiving of the filing fee.

The appellant respectfully ask the Court a question of how did the action jurisdiction of the filing in the Magistrate Court by appellant moved to the Circuit of Common Pleas? When South Carolina Magistrate Court Court Rule 5(c) gives the Magistrate Judge discretion in this action to make a ruling on the constitutional exception.

Appellant constitutional right as a prisoner access to the Magistrate Court was denied by the Common Pleas Court. The Constitution of 1868 has been long since adopted by this Court of Appeals, and is the fundamental law of the State, having as full, force of validity. State v. Bennett, 81 S.Ct. 895 (1961) and Boodie v. Connecticut, 91 S.Ct. 780 (1971).

The Constitutional fundamental principles preserved appellant practical right to be heard on the action in Magistrate Court, and limit powers of a higher court, until fully adjudicated in Magistrate Court. This effect of the failure to prosecute this action in Magistrate Court, coupled with the Court of

Common Pleas order of refusal; was to deny access to the State's Magistrate Court jurisdiction to prosecute this action. Adam is a prisoner, and for the first time seeking access to the Magistrate Court on this Civil Action threatening his personal interests of (1) False Arrest (2) False Imprisonment (3) Perjury and (4) Manlicious Prosecution. Bond v. Smith, 97 S.Ct. 1491 (1977). Inmates procedural due process right on initiating this Civil Action for the first time in Magistrate Court has been established under South Carolina Constitution Article I, § 14.

The Magistrate Court Judge remedies on securing Adams access to the Court required nine (9) steps totality test the Magistrate Court should have established in determination from the cause of action filed April 8, 2019 by the appellant.

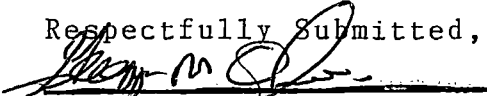
In a determination from review without appropriate jurisdiction, the Court of Common Pleas Judge discretion to deny appellant access to file this Action in the Magistrate Court was a miscarriage of justice.

C O N C L U S I O N

For the reasons stated, this Court should reverse the Judgment of the Court of Common Pleas, and remand to the Magistrate Court this Action for filing, and processing for final Judgment. Preserving the right to appeal if its necessary to the next CCourt.

Dated: DECEMBER 4, 2019

Respectfully Submitted,


George Adams #181283
Broad River Corr. Insti.
4460 Broad River Rd.
Columbia, SC 29210

South Carolina Department of Corrections
Division of Health Services

APPROVAL FOR PROSTHESIS AND RELEASE OF LIABILITY

- Item requested** (prosthesis/medical equipment) to be sent from home/community source:
- Item received** at R & E center with incoming inmate:
- Item requiring repair:**

I, _____, SCDC # _____ am requesting approval for _____

I hereby release SCDC of all liability from any damage and/or injury that may result from my using this prosthesis/equipment, which is to be sent from _____ I do not hold SCDC responsible for
(Home, Community Source)

any damage to the item that may result from shipping the item to SCDC. I understand that this item must be approved first by the institutional Physician and Warden/designee and that I must have it shipped in at my expense to the attention of the Property Control Officer. I further understand that if an item mailed in is not approved after receipt, it will be returned to the return mailing address at my expense.

- If requesting repair of an item, I will not hold SCDC liable for damages to this item resulting from its attempted repair. I further understand that SCDC will not replace a repaired item unless determined medically necessary by an SCDC physician/dentist.
- If requesting to keep contact lenses (non-cosmetic only), I understand that I must purchase supplies from the canteen at my own expense, and any follow-up appointments for more contacts will be at my expense as "Elective Outside Medical Care" (Exception by physician only.) I also understand that if I wish to obtain eyeglasses, I must sign up for Sick Call to request an optometry appointment.

Inmate Signature _____ **Date** _____

Staff Witness _____ **Date** _____

Physician's / Dentist's disposition: _____ Approved _____ Disapproved
S/ _____ Date _____

Warden's/designee's disposition: _____ Approved _____ Disapproved
(Required only for items being received at R&E or sent into institution.)
S/ _____ Date _____

Date Received: _____ Staff Signature: _____
(Initial when item has been documented on Problem List _____)

Item checked/approved by Security: _____ Security staff signature: _____

Date Prosthesis/Equipment Issued _____ Inmate Signature: _____

Inmate Name _____ **SCDC #** _____

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Jocelyn Newman, Circuit Court Judge

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George M. Adams,#181283,.....Appellant,

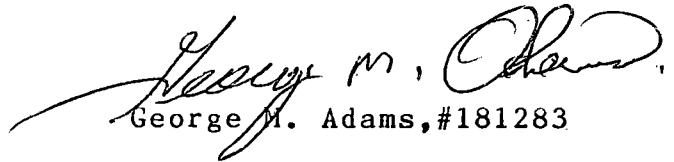
v.

Richland County Sheriff Department,.....Respondent.

PROOF OF SERVICE

I certify that I have served the BRIEF of Appeal on Andrew F. Lindemann, by depositing a copy of the same in the United States mail, postage prepaid, on December , 2019, addressed to his attorney of record at, Post Office Box 6923, Columbia South Carolina 29260. By personally delivering the same to the Broad River Correctional Institutional mail room, located at 4460 Broad River Road, Columbia, South Carolina 29210.

Date: DECEMBER 4, 2019


George M. Adams,#181283

LEGAL MAIL

George M. Adams, #181283
Broad River Correction Institution
4460 Broad River Road
Columbia, S.C. 29210

Date: DECEMBER 4, 2019

The South Carolina Court Of Appeals
Jenny Abbott Kithings, Clerk
Post Office Box 11629
Columbia, S.C. 29211

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Re: George M. Adams, #181283 V. RCSD

SC Court of Appeals

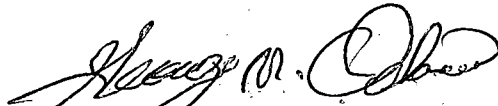
Appellate Case No: 2019-001175

Dear Clerk:

Enclosed for filing your find the corrections the court has required to be corrected on appeal with appellant initial brief and designation of matter to be included on appeal. The court notices issued on November 18, 2019, was not delivered to appellant by the institutional postal personal until December 2, 2019.

Therefore, would you please file stamp both the original and copy upon return the copy to me for my files.

Thanks In Advance!


George M. Adams, #181283

cc: Andrew F. Lindemann, esq.
enclosure

Original

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George M. Adams #181283
Broad River Correction Institution
4460 Broad River Road
Columbia, S.C. 29210



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