

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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

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

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AUG 30 2019  
SC Court of Appeals

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

v.

Richland County Sheriff Department.....Respondent.

Brief of Appellant

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DEC 23 2019  
SC Court of Appeals

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

DATED: DECEMBER 19, 2019.

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Table of Contents

	Pages
Statement of Issue on Appeal.....	ii
Statement of Facts.....	1
Conclusion.....	3

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?

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## 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.

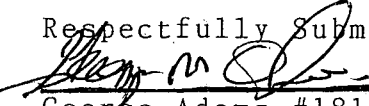
#### C O N C L U S I O N

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 19, 2019

Respectfully Submitted,

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

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PROOF OF SERVICE

I certify that I have served the Designation Of Matter To Be Included In The Record On Appeal on Andrew F. Lindemann, by depositing a copy of the same in the United States mail, postage prepaid on ~~DECEMBER 19, 2019~~, addressed to his attorney of record at, Post Office Box 6923, Columbia, South Carolina 29210, by personally delivering the same to the Broad River Correction Institutional mail room, located at, 4460 Broad River Road, Columbia South Carolina 29210.

Date: ~~DECEMBER 19, 2019~~

*George M. Adams*  
George M. Adams, #181283

cc:  
ANDREW F. LINDEMANN, ESQ.  
GEORGE M. ADAMS, #181283, PRO SE

**LEGAL MAIL**

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Broad River Correction Institution  
4460 Broad River Road  
Columbia, S.C. 29210

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SC Court of Appeals

DATE: December 19, 2019

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk of Court  
Post Office Box 11629  
Columbia, S.C. 29211

RE: George M. Adams, #181283 v. RCSD  
Appellate Case No.: 2019-001175

DEAR CLERK:

PLEASE FIND ENCLOSED FOR FILING THE ORIGINAL AND ONE (1)  
COPY OF APPELLANT'S CORRECTION ON THE FILING OF THE INITIAL BRIEF  
AND DESIGNATION OF MATTER, ALONG WITH PROOF OF SERVICE. WOULD  
YOU PLEASE DISREGARD THE REQUESTED FILING OF DECEMBER 4, 2019,  
AND RETURN THE COPY TO ME IN THE SELF ADDRESSED ENVELOPE.

THANKS IN ADVANCE!

RESPECTFULLY

George M. Adams  
GEORGE M. ADAMS, #181283

CC:

ENCLOSURE

ANDREW F. LINDEMANN, Esq.

copy

LEGAL MAIL

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