

THE SOUTH CAROLINA COURT OF APPEALS

George M. Adams, #181283 Appellant,

v.

Richland County Sheriff's Department Respondent.

Appellate Case No.: 2019-001175

The Honorable Jocelyn Newman
Richland County

Trial Case No.: 2019CP4002137

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JAN 24 2020

SC Court of Appeals

Failure To File SCACR 208(4)
Motion

Respondent Attorney

Andrew F. Lindemann, Esq.
Attorney and Counsel at Law
Post Office Box 6923
Columbia, S.C. 29260

Appellant Pro Se

George M. Adams, #181283
Broad River Corr., Inst.
4460 Broad River Road
Columbia, S.C. 29210

LEGAL MAIL

Statement of Motion

October 25, 2019, South Carolina Court of Appeals Clerk issued notice and order informing both parties, the Court has granted Appellant's motion to proceed in forma pauperis on appeal, and Respondent was required to serve and file a initial brief and designation of matter within thirty (30) days from above date.

November 18, 2019, Appellant was informed by the Clerk of Court to correct deficiencies in filing of his initial brief and designation of matter within ten (10) days.

November 25, 2019, Respondent's Attorney served and file a motion requesting extension of time. The Respondent's time was extended until January 2, 2020.

Appellant also served and file a pro se motion requesting for an extension of time for corrections. December 10, 2019, the Court extended the time until January 2, 2020.

December 19, 2019, Appellant served and filed his pro se brief and designation with proof of service, correcting all deficiencies with appeal.

LAW

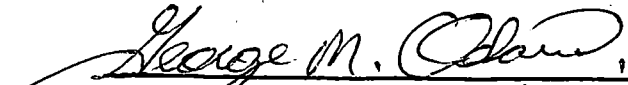
Pursuant to South Carolina Appellate Court Rule 208(4) provides in part:

"upon failure of Respondent to timely file a brief, the Appellate Court may take such action as it deems proper".

Wierszowski v. Tokarick, 418 S.E.2d 557, 559 (1992). In this case pending on appeal from the lower dismissal of a tort complaint, Respondent has fail to file a brief within the time allotted by court, Turner v. Santee Cement Carries, Inc., 282 S.E.2d 858, 868 (1981). Appellant request the court to deem it proper on the points presented rather than to search the record for reasons to affirm, and grant the motion.

Conclusion

Based on the points presented, this action judgment below, and Respondent's failure, justifies the court's grant of reversal back to the Magistrate Court.



George M. Adams, #181283

DATE:

CC:

Andrew F. Lindemann, Esq.
Respondent's Attorney

RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER
1701 Main Street, Post Office Box 192
COLUMBIA, SOUTH CAROLINA 29201
Phone (803) 765-2592
Fax (803) 748-5018

May 11, 1994

The Honorable Walter Jones
1438 Huger Street
Columbia, South Carolina 29201

In Re: George Adams
Arrested: June 18, 1992
Charged: Forgery

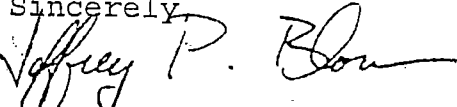
Armed robbery	2
Armed robbery	6
Armed robbery	7
Armed robbery	8
Armed robbery	9
✓ Murder	D369126
Armed robbery	D369127
Armed robbery	D507976
Armed robbery	D507977

Dear Judge Jones:

Please be so kind as to arrange a Preliminary Hearing for the above-captioned individual on the charge(s) indicated and for any other charges, if any, of which the accused may not currently be apprised in accordance with South Carolina Criminal Practice Rule 2.

Please also be on notice that on the date which the Preliminary Hearing is set, or as soon thereafter as counsel is permitted to appear on behalf of the above-captioned individual, the Public Defender's Office will move for a reduction in the Defendant's bond pursuant to South Carolina Code Section 17-15-10.

Thank you in advance for your cooperation and assistance in this matter.

Sincerely,

Jeffrey P. Bloom
Chief Public Defender

JPB/ms

cc: Solicitor's Office

South Carolina Summary Court



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



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,

A handwritten signature in black ink, appearing to read "Amy Hancock". The signature is written in a cursive style with a long horizontal stroke at the end.

Amy Hancock

THE SOUTH CAROLINA COURT OF APPEALS

GEORGE M. ADAMS[#] 181283 Appellant,

v.
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The Honorable JOCELYN NEWMAN
Richland County
TRIAL CASE No.: 2019CP4002137 SC Court of Appeals

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PROOF OF SERVICE

The undersigned, George M. Adams[#] 181283, pro se, certifies that caused to be mailed to above named Respondent's Attorney Andrew F. Lindemann, Esq., Addressed to Post office Box 6923, Columbia, S.C. 29260, A true copy of Appellant's Motion pursuant 208 (4) Failure to File, via United States Mail, Certified, Return Receipt, Restricted delivery, on or about 1, 22, 2020, by way of Broad River Facility Postal Mail Room, 4460 Broad River Road, to wit:

Respondent's Attorney
Andrew F. Lindemann, Esq.
Attorney and Counsel at Law
Post Office Box 6923
Columbia, S. C. 29260

Appellant Pro se
George M. Adams[#] 181283
Broad River Corr., Inst.
4460 Broad River Road
Columbia, S. C. 29210

George M. Adams

Swores To before me this
22nd day of January, 2020,
Karen Johnson
Commission Expires 8/5/2024.

LEGAL MAIL

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

DATE: 1/22/2020

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JAN 24 2020

SC Court of Appeals

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

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

Dear Ms. Kitchings:

Enclosed for filing you find the original
and one copy of Appellant's pro se 208 (4) failure to file motion.
Would you please file stamp both motions upon return the copy
to me in the self addressed envelope.

Respectfully

George M. Adams
George M. Adams, #181283

CC:

Andrew F. Lindemann, Esq.

original

LEGAL MAIL

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

DATE: 1/22/2020

Andrew F. Lindemann, Esq.
Attorney, and Counsel at Law
Post Office Box 6923
Columbia, S.C. 29260

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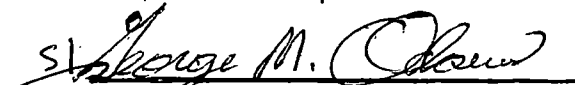
SC Court of Appeals

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

DEAR ATTORNEY:

HEREIN SERVED UPON YOU IS A COPY OF APPELLANT'S
PRO SE 208 (4) MOTION FOR FAILURE TO FILE BRIEF AND DESIGNATION OF
MATTER, ALONG WITH PROOF OF SERVICE.

Respectfully


George M. Adams, #
181283

CC:

Andrew F. Lindemann, Esq.

LEGAL MAIL

GEORGE M. Adams #181283
BROAD RIVER CORRECTION INSTITUTION
#1100 BROAD RIVER ROAD
COLUMBIA, S.C. 29210



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SC Court of Appeals

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

LEGAL MAIL

