

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Richland County  
JOCELYN NEWMAN, Circuit Court Judge

Appellate Case No. 2019-001175  
Case No. 2019-CP-40-2157

**RECEIVED**  
FEB 08 2020  
SC Court of Appeals

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

v.

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

Appellant's pro se Reply Brief

Respondent's Attorney

ANDREW F. LINDEMAN, ESQ.  
ATTORNEY AT LAW  
5 CALENDAR COURT, SUITE 202 (29206)  
Post Office Box 6923  
Columbia, S.C. 29260

Appellant pro se

GEORGE M. ADAMS, #181283  
BROAD RIVER CORR. INST.,  
4460 BROAD RIVER RD.  
COLUMBIA, S.C. 29210  
*George M. Adams*

DATE:

**LEGAL MAIL**

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### STATUTORY LAW

South CAROLINA Code ANN. § 24-27-100

South CAROLINA Code ANN. § 15-78-10

### SOUTH CAROLINA CONSTITUTION

S.C. Constitution Article 1 § 3

S.C. Constitution Article 1 § 10

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### FEDERAL CONSTITUTION

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### SOUTH CAROLINA APPELLATE COURT RULES

RULE 245 (C) SCACR

Statement of Issue on Appeal

The Lower Court of Common Pleas erred in denying incarcerated indigent inmate venue to proceed in forma pauperis

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## Statement of the Case

The Appellant George M. Adams, #181283, pro se, is currently confined within South Carolina Department of Corrections.

December 19, 2019, the prisoner filed brief against Richland County Sheriff's Department for false arrest and false imprisonment. On direct appeal in South Carolina Court of Appeals, from denial of his motion to proceed in forma pauperis in the lower court.

January 21, 2020, Respondent's attorney served and filed a initial brief of respondent and designation of matter to be included in the record on appeal.

January 24, 2020, Appellant's pro se 208(4) failure to file motion was filed.

This Reply brief of Appellant's pro se is as follows:

## Argument

The Appellant George M. Adams, pro se has filed an appeal from Circuit Court Judge Jocelyn Newman's dismissal of tort suit for failure to pay the required Circuit Court filing fee. As indicated, the Appellant lawsuit alleges claims for false arrest and malicious prosecution against the Richland County Sheriff's Department based on an arrest June 18, 1992 and prosecution in 1994. The law suit raises South Carolina Constitution Article I, section 10 and Federal Constitution 4 Amendment.

On Appeal, Appellant has based this argument to be governed by the South Carolina Code AND. § 24-27-100, which provides "[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 Cooper Account form from South Carolina Department of Corrections upon filing suit April 8, 2019, which reflected his balance at that time. Nothing indicates the prisoner waiving payment of filing fees as the money becomes available in his account. Boodie v. Connecticut, 91 S. Ct. 895 (1961). The Court explained:

"[+] here can be no equal justice where the kind of trial a man gets depends on the amount of money he has." 81 S. Ct. 897

The question still remains! Does the record reveal the lower court's ruling as to whether the complaint fits within one of the statutory exceptions or whether the action filed pro se concerns a fundamental right that requires the amount 'as agreed' paid in full from his trust account?

Appellant's Complaint and Appeal clearly alleges that he was detained June 18, 1992 "contrary to the provisions of the state and federal constitutions when removed from his mother's home June 17, 1992. And the information discovered turns his fatal on its face. Respondents are using the availability of a procedure to regain the court's favor. When Appellant availability of the civil procedure is to regain his liberty lost through a criminal process can not be made contingent upon a choice of labels.

Additionally, the records does clearly show that, May 11, 1994, the Appellant's trial attorney requested for a preliminary hearing, and December 11, 2018, January 2, 2019 letters from the accusing magistrate would permit the complaint to fail within the applicable statute of limitation under the Tort Claim Act. S.C. Code Ann. § 15-78-110. Thus, Appellant asserts the discovery rule along with continuing tort doctrine, which tolls the statute of limitation until became final on the convictions for armed robbery and murder. Campbell v. Hyatt Regency, 388 S.E.2d 341, 342 (Ga. Ct. App. 1989).

United States Constitution 14 Amendment. Where the lower court was presented with a motion accompanying the complaint for leave to proceed in forma pauperis, it must be ruled upon. Therefore, Appellant Appeal is premature. Key v. Currie, 406 S.E.2d 356 (1991). South Carolina Constitution Article V § 5, and South Carolina Appellate Court Rule 245(c). The Court has authority to entertain this action, but has indicated it will not entertain matters in its original jurisdiction where the matter can be entertained in the lower court of this state.

Conclusion

For the foregoing reasons stated within, the Appellant pro se respectfully request that this Court reverse the lower Court's judgment and remand to the Magistrate Court for filing and processing the complaint for final judgment. Preserving all rights for both parties to appeal if its necessary to the next Court.

Respectfully Submitted

Pro se George M. Adams

GEORGE M. ADAMS, #181283  
BROAD RIVER CORR. INST.,  
4160 BROAD RIVER ROAD  
COLUMBIA, S.C. 29210

DAG: 1/30/2020

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  
Armed robbery  
Armed robbery  
Armed robbery  
Armed robbery  
Murder

2  
6  
7  
8  
9  
D369126  
D369127  
D507976  
D507977

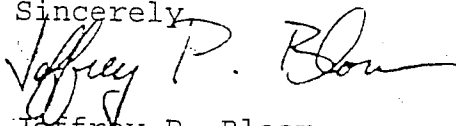
Dear Judge Jones:

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](mailto: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

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Appellate Case No. 2019-001175

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

v.

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

CERTIFICATE OF SERVICE

Inmate George M. Adams, #181283, pro se, certifies that he caused to be mailed to the above-named respondent's attorney Andrew F. Lindermann, Esquire, a true copy of appellant's reply brief, via, United States Mail, on 1, 30 2020, through the Broad River Correctional Mail Room, located at 4460 Broad River Road, Columbia, S.C. 29210.

Respondent Attorney:

Andrew F. Lindermann  
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*

SWORN TO before me  
this 30<sup>th</sup> day of January, 2020  
Notary Public *[Signature]*  
My Commission Expires 8/5/2024 6

LEGAL MAIL

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

DATE: 1/30/20

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

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

Dear Counsel:  
Herein served upon you is Appellant's pro se  
Reply Brief.

Respectfully  
s/ George M. Adams

cc:  
Andrew F. Lindemann, Esq.

ORIGINAL

LEGAL MAIL

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

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

FEB 03 2020  
SC COURT OF APPEALS

RE: GEORGE M. ADAMS, #181283 V. RCSD  
APPELLATE CASE NO. 2019-001175

DEAR CLERK:

I AM ENCLOSED FOR FILING THE ORIGINAL AND ONE COPY OF  
REPLY BRIEF OF APPELLANT IN THE ABOVE-REFERENCED APPEAL.  
PLEASE FILE BOTH THE ORIGINAL AND COPY, AFTER THE FILING STAMP  
HAS BEEN AFFIXED TO IT, IN THE ENCLOSED, SELF-ADDRESSED, STAMPED  
ENVELOPE. I GENUINELY APPRECIATE YOUR ASSISTANCE IN THIS REGARD.

WITH BEST WISHES, I REMAIN,  
VERY TRULY YOURS,



GEORGE M. ADAMS, #181283  
APPELLANT PRO SE

CC:

ANDREW F. LIODEMAND, ESQ.  
RESPONDENT ATTORNEY

LEGAL MAIL

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BROAD RIVER CORRECTION Institution  
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