

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL OF FINAL DECISION
Shirley Robinson, (ALC) Judge

Appellate Case No. 2020-001121

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

v.

South Carolina Department of
Probation, Parole and Pardon Services.....Respondent.

RECORD ON APPEAL

Respondent Attorney:
Jannell H. Gergory, Esq.
293 Greystone BLVD.
Columbia, S.C. 29205

Appellant Pro Se:
George Adams, #181283
Broad River Correction Institution
Columbia, S.C. 29210

RECEIVED
DEC 21 2020
SC Court of Appeals

LEGAL MAIL

I N D E X - P A G E 1

	PAGE
FACE OF APPELLANT'S MURDER INDICTMENT	2
SCDC OFFENDER MANAGEMENT SYSTEM RELEASE DATE SCREEN	3
RESPONDENT'S LETTER DATED DECEMBER 21, 2012	4
RESPONDENT'S LETTER DATED FEBRUARY 13, 2015	5
RESPONDENT'S LETTER DATED MARCH 6, 2020	6
ORDER GRANTING RESPONDENT'S MOTION TO DISMISS	7, 8
APPELLANT'S MOTION FOR RECONSIDERATION	9-15
APPELLANT'S MOTION FOR RECUSAL	16-18
ADMINISTRATIVE LAW COURT LETTER	19
RESPONDENT'S LETTER DATED SEPTEMBER 1, 2020	20

DOCKET NO. 92-GS-40-11317

WITNESSES

Bartlett - RCSC

David Howard Blustam

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

49 OCTOBER TERM 1992

THE STATE

vs.

GEORGE ADAMS

ARREST WARRANT NO. D369127

ACTION OF GRAND JURY

TRUE BILL

Wayne S. Motley
Foreman of Grand Jury

Indictment for Murder

VERDICT

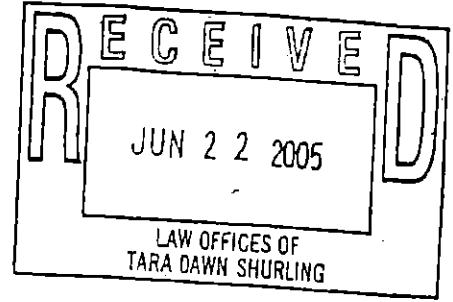
guilty

John P. ...
Foreman of Petit Jury

June 23, 1994
Date:

S. C. Code §16-3-20

PAGE 1 OF 20

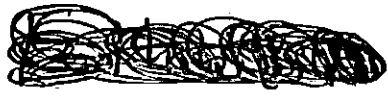


CMTI330D SCDC OFFENDER MANAGEMENT SYSTEM 08/23/04
 OMCOMITA RELEASE DATE SCREEN C023981
 SCDC# > 181283 LOC: LEE
 ADAMS, GEORGE MAURICE SCDC CLASSIFICATION...: VIOLENT

OFFENDER TYPE...: ADULT-STRAIGHT SENTENCE SEXUAL REGISTRY...: N
 SEXUAL PREDATOR...:
 DNA STATUS.....: COMPLETED
 TOTAL SENTENCE...: LIFE CONSECUTIVE SENTENCE ...:
 CURRENT SENTENCE: CURRENT SENT START DATE: 02/08/1993
 PROJECTED COMPLETION DATES
 MAXOUT DATE: 99/99/9999 CURRENT EWC ..:
 YOA SIX YEAR DATE: CURRENT EEC ..:
 INITIAL PAROLE DATE: 02/08/2013 NEXT PAROLE HEARING DATE: 02/08/2013

TOTAL GT DAYS EARNED: 000000 LABOR CREW/WORK PROG DATE: 99/99/9999
 TOTAL EARNED WORK CREDITS ..: 000000 LABOR CREW DISQ REASON:
 TOTAL EDUCATION CREDITS: 000000 OFFENSE > CAT 3
 TOTAL EXTRA EARNED CREDITS ..: 000
 TOTAL SERVICE TIME EARNED ...: 000000

PFKEYS: 5:HISTORY OF DATE CHANGES
 4- 1 Sess-1 167.7.50.33 TNET0389 3/1



State of South Carolina
 Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
 Governor



KELA E. THOMAS
 Director

2221 DEVINE STREET, SUITE 600
 POST OFFICE BOX 50666
 COLUMBIA, SOUTH CAROLINA 29250
 Telephone: (803) 734-9207
 Facsimile: (803) 734-9324
 www.state.sc.us/ppp

December 21, 2012

George Adams, #181283
 Lee Correctional Institution
 990 Wisacky Highway
 Bishopville, SC 29010

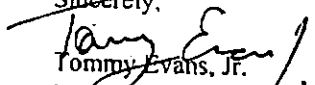
RE: NON ELIGIBILITY FOR PAROLE

Dear Mr. Adams:

It is my duty to inform you that South Carolina law prohibits the Board of Probation, Parole, and Pardon Services from granting you parole on the sentence(s) identified below. Section 24-21-640 states: "[t]he board must not grant parole nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, following a separate sentencing for prior conviction, for violent crimes as defined in Section 16-1-60." Our records indicate that you have been convicted of the following violent crimes:

<u>Violent Crime</u>	<u>Indictment Number</u>	<u>Parolable</u>	<u>Sentence</u>
Murder	92-GS-40-11317	No	06/23/94
Burglary, 1st (16-11-311)	91-GS-40-5731		09/17/91

Please note that this letter is the Department's "final decision" on this matter. You have the right to appeal this final decision by seeking review by an Administrative Law Judge. Furtick v. South Carolina Department of Probation, Parole and Pardon Services, 3525.c. 594, 576 S.E.2d 146 (2003). In order to file such an appeal, you must follow the instructions on the back of the enclosed "Notice of Appeal" form approved by the Administrative Law Court (ALC). You will also be required to comply with ALC Rules of Procedure for special appeals. Failure to follow the ALC instructions or Rules of Procedure will result in forfeiture of your right to challenge the Department's final decision.

Sincerely,

 Tommy Evans, Jr.
 Legal Counsel

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



JERRY B. ADGER
Interim Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.state.sc.us/ppp

February 13, 2015

Tommy Thomas, Esquire
P.O. Box 88
Irmo, South Carolina 29063


RE: George Adams, #181283

Dear Mr. Thomas:

I am in receipt of your letter in which you are inquiring about Mr. Adams' parole eligibility. During a pre-parole investigation in 2012, it was determined that Mr. Adams had been convicted of a violent Burglary, First, in indictment 91-GS-40-5731, which made him ineligible for parole consideration due to the fact he is currently serving a violent conviction for Murder in indictment 92-GS-40-11317, making him classified as a subsequent violent offender and ineligible for parole consideration. (see letter enclosed). After this determination, Mr. Adams filed a notice of appeal in the Administrative Law Court which was dismissed. He then filed an appeal from the Administrative Law Court order in the Court of Appeals and this matter was dismissed by order dated December 15, 2014.

If you have any further questions, please let me know.

Sincerely,


Matthew C. Buchanan
General Counsel

MCB:dn

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 GREYSTONE BLVD
POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202
Telephone: (803) 734-9207
Facsimile: (803) 734-9324
www.state.sc.us/ppp


March 6, 2020

George Adams, #181283
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Dear Mr. Adams:

I am responding to your letter of February 25, 2020, in which you believe you should be parole eligible. Please be advised that I am enclosing a letter sent to you on December 21, 2012, informing you that you are ineligible for parole consideration. The Department's position has not changed.

Sincerely,


Matthew C. Buchanan
General Counsel

MCB:dn

right to file an appeal pursuant to ALC Rule 59. Appellant has not filed a response to the Department's motion.¹

ALC Rule 62 allows for the dismissal of an appeal for failure to comply with any of the rules of procedure for appeals. *See* SCALC Rule 62.

ALC Rule 59 states:

"The notice of appeal from the **final decision** to be heard by the Administrative Law Court shall be filed with the Court and a copy served on each party, including the agency, within thirty (30) days of receipt of the decision from which the appeal is taken."

SCALC Rule 59 (emphasis added).

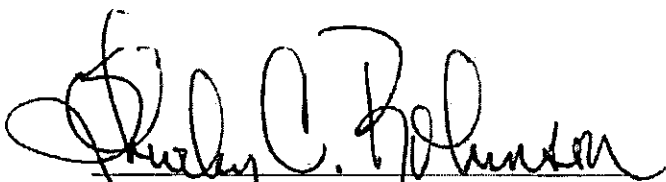
Furthermore, pursuant to *Al-Shabazz v. State*, the ALC sits in an appellate capacity when reviewing final decisions of the Department regarding inmate matters, and to perfect an appeal, "[t]he inmate must file and serve a notice of appeal upon specified parties within thirty days of receipt of written notice of [the] Department's final decision." 338 S.C. 354, 377, 527 S.E.2d 742, 754 (2000) (emphasis added).

After careful review and consideration of this matter, I find that the Department's March 6, 2020 correspondence does not constitute a final decision from which Appellant would have the right to appeal to this Court. The Department's correspondence is simply a response to Appellant's letter reiterating what was found in the December 21, 2012 decision and providing Appellant with another copy of that decision.

THEREFORE, IT IS HEREBY ORDERED that the Department's Motion to Dismiss is **GRANTED** and this appeal is **DISMISSED**.

AND IT IS SO ORDERED.

29 July 2020
Justice Law Clerk


SHIRLEY C. ROBINSON
Administrative Law Judge

July 29th, 2020
Columbia, South Carolina

¹ The Court received a filing from Appellant on July 14, 2020; however, this filing was not a response to the Department's motion.

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

Date: August 5, 2020

The Honorable Shirley Robinson
Judge, Administrative Law Court Suite 224
1205 Pendleton Street,
Columbia, S.C. 29201

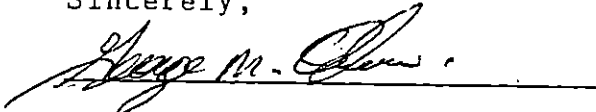
RE: George Adams, #181283 v. DPPPS
Docket Number 20-ALJ-15-0013

Dear Judge Robinson:

Please find enclosed for filing the Appellant's **Motion for Reconsideration under RULE 29(d)(1) ALC** along with proof of service in the above reference contested case.

Thank you for your assistance.

Sincerely,



George Adams, #181283

Pro Se

Enclosure:

CC: Janell H. Gregory, legal counsel

**Motions for Reconsideration
are Prohibited.
See ALC Rule 65.**

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
Appellate Number 20-ALJ-15-0013

appeal of Final Decision

Department of Probation, Parole and Pardon Services

George Adams, #181283, Appellant,

v.

Department of Probation,

Parole and Pardon Services, Respondent.

MOTION FOR RECONSIDERATION

Now comes the Appellant George Adams, #181283, pro se respectfully moving this honorable court pursuant to ALC rule 58 and 61 on Appellant's Record on appeal to heard on appeal of the contested case pursuant to ALC RULE 29(d)(1).

Pursuant to ALC rule 37(a) Respondent has exceeded the time to file a response to Appellant's brief. Appellant filed his brief on appeal April 10, 2020. Respondent filed their Record on appeal June 2, 2020, some (53) days later. Then (90) days later Respondent filed a motion to try and have the appeal dismissed. Appellant now respectfully moves this court pursuant to ALC rule 62 for this court to sanction Respondent for filing for the purpose of solely to delay this appeal.

Come now the Appellant respectfully requesting this court to deny Respondent's motion to dismiss with prejudiced. Appellant is seeking an appeal of Department of Probation, Parole and Pardon Services legal counsel's letter dated March 6, 2020 final decision issued on behalf of the Board.

February 25, 2020, Appellant contacted DPPS inquiring about the Board's decision on his bi-annual review for the year of 2020 meeting, and to afford him the right to appeal the decision on denying him a hearing.

PROCEDURAL HISTORY

On March 6, 2020, Matthew C. Buchanan, general counsel from PPPS filed a response by way of a letter for the reason of the denying inmate a 2020 bi-annual parole hearing. On March 18, 2020, Appellant filed a notice of appeal from the department's counsel's letter final decision.

March 25, 2020, Appellant received the ALJ's docket sheet. April 10, 2020, Appellant filed his brief and record on appeal. This Reply to Respondent's motion to dismiss follows:

ARGUMENT

This court is not to consider Respondent's motion to dismiss because it's outside the pleadings, due to the appeal not being time barred. And is not amenable by such a motion, where no errors are apparent on the face of the appeal. ALC rule 33 has been fully complied with by appellant. Respondent motion to dismiss fail to confine to the record. Respondent's decision to file such a harsh motion which makes no reference to the claims raised is prejudice. Respondent's legal counsel's letter

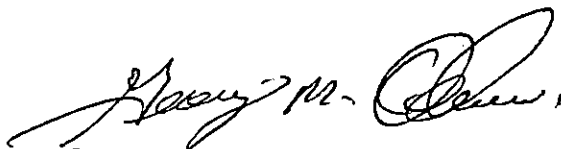
left no further act for Appellant to do prior to determination of Appellant right to bi-annual parole hearing. S.C. Code Ann. § 1-23-380 (1),(4) AND (5).

Appellant has exhausted all administrative remedies available with PPPS agency. Appellant has been aggrieved by the department counsel's letter of a final decision in this contested appeal, and is entitled to judicial review pursuant Article I. The preliminary procedural, or intermediate agency counsel's action or ruling is immediately reviewable by this court, because the letter do not provide any other adequate remedy for the department to take action. In this case of an alleged irregularities as claimed by Respondent in their motion to dismiss, Appellant's filings is satisfactory under the rules and is to be heard on appeal or remanded back to the department agency for action as this court consider appropriate to preserve all parties right to appeal if necessary. And is not substituted on a judgment on behalf of the Respondent decision as to the weight of the evidence on question of facts to alter or amend the final decision.

Conclusion

As Appellant has standing the right to appellate review of DPPPS letter issued by the Department's legal counsel, Appellant right to appeal is to be granted. Furthermore, the final decision Appellant is challenging was issued March 6, 2020, was the agency final decision. Respondent's motion to dismiss is frivolous and has waived any opportunity to file a brief addressing the merits of Appellant's appeal.

Respectfully submitted

A handwritten signature in black ink, appearing to read "George Adams", written in a cursive style.

George Adams, 181283
Pro Se

Broad River Correctional Inst.
4460 Broad River Road
Columbia, S. Carolina 29210

Date: August 5, 2020

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT
Docket No: 20-ALJ-15-0013

APPEAL OF FINAL DECISION
Department of Probation, Parole and Pardon Services

George Adams, #181283,Appellant,

VS.

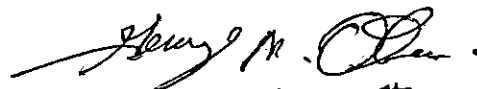
South Carolina Department of Probation,
Parole and Pardon Services.....Respondent.

CERTIFICATE OF SERVICE

I, George Adams, #181283, pro se, certify that I have served the Motion to Reconsideration dated 5th, day of August, 2020 on respondent by depositing a copy of the same in the United States Mail, Postage prepaid, the 5th day of August, 2020, addressed to:

Janell H. Gregory, Legal Counsel
293 Greystone Blvd.
P.O. Box 207
Columbia, S.C. 29202

I further certify that all parties required by RULE 54 to be served have been served.


GEORGE ADAMS, #181283

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

Date: August 10, 2020

The Honorable Shirley Robinson, Judge
Administrative Law Court
1205 Pendleton Street, suite 224
Columbia, S.C. 29201

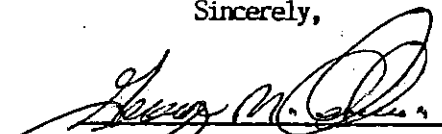
RE: George Adams, #181283 v. SCDPPPS,
Case No.: 20-P0013

Dear Madam Honorable Judge:

Enclosed for filing your find Appellant's motion pursuant to South Carolina Appellate Court Rules of Judicial Conduct, to filed along with proof of service in the above referenced contested case.

Thank you for your assistance.

Sincerely,



George Adams, #181283

Enclosure:

CC: Janell H. Gregory, Legal Counsel

STATE OF SOUTH CAROLINA
In The Administrative Law Court

APPEAL OF FINAL DECISION
Department of Probation, Parole and Pardon Services

George Adams, #181283, Appellant,

South Carolina Department of Probation, Parole and Pardon Services, Respondent.

MOTION FOR RECUSAL

Now comes the Appellant pro se George Adams, #181283, respectfully moving this Honorable court pursuant to South Carolina Appellate Court Rules of Cannon for the grant of a recuse to avoid impropriety and the appearance of impropriety in the judge's activities in above referenced contested case in the Administrative Law Court to the appeal.

Procedural History

On December 21, 2012, the South Carolina Department of Probation, Parole and Pardon Services (DPPPS) notified Appellant that he was ineligible for parole. In 2013 the Honorable Ralph K. Anderson, III, Chief Administrative Law Judge in his capacity affirmed DPPPS DETERMINATION ISSUED IN A LETTER. Appellant appealed to South Carolina Court of Appeals, and after briefing, on October 19, 2016 the Court of Appeals affirmed the lower court's decision in an unpublished opinion.

On February 25, 2020, Appellant sent a letter to the DPPPS inquiring about the status of being denied a Bi - Annual parole hearing during the years of 2013, 2015, 2017 and 2019. March 6, 2020, the DPPPS legal counsel Matthew C. Buchanan informed Appellant in another letter that the agency had not changed their mind form the first decision in a letter made back in 2012. On March 18, 2020, Appellant filed a notice of intent to appeal challenging the DPPPS legal counsel's decision in the letter. March 25, 2020, the Honorable Shirley Robinson newly elected judge for the Administrative Law Court (ALC) was appointed to hear the appeal. Appellant's brief was filed April 18, 2020. This motion is as follows:

ARGUMENT

The propriety of a new magistrate judge, who was formerly employed by the DPPPS, hearing of this criminal contested case in the Administrative Law Court, where Respondent's counsel Janell H. Gregory, works, is to recuse herself from this appeal. see 2010 WL 7809019, (S. C. Adv. Comm. Std. Jud. Cond.). South Carolina Appellate Court Rule 501 Cannon 2.A. of the rule of Judicial Conduct states that a "Judge shall respect and comply with the law and shall act all times in manner that promotes the public confidence in the integrity and impartiality of the judiciary". Reason for for recuse should come from your honor has not made an inquiry upon the circumstances of the presence case. Furthermore, in this appeal that come before the court, your honor is a former employer with the the prosecuting attorney for the Respondent and was involved with DPPPS during the years of 2012- 2016 and should disclose the circumstances of all connection on the record of this appeal. South Carolina Appellate Court Rule Cannon 503 (E) governs support of disqualification and states that judge " shall disqualify herself in a proceeding in which the judge's impartiality might reasonably be questioned", regardless of whether the specific rule of section 3. e. 1. apply. South Carolina Appellate Court Rule 503 E. 1. (A) states that judge "shall disqualify herself if the judge has a personal bias or prejudice concerning a party". As a former employee for DPPPS it appears as the judge in this case has contingency fee interest as well (a percentage) in any recovery the DPPPS law firm may eventually obtain, before leaving the agency and ascending to the bench. Even though the committee has not previously addressed the situation presented in this case. However, a review of other states 'judicial advisory' opinions indicate that disqualification based on prior employment occurs when the matter initiated while the judge was still employed by prior employer and the case is still ongoing. See e.g., W.V. Advisory Opinion, (June 26, 2007); Kentucky Judicial Ethics Opinion, J.E-32; Alabama Advisory Opinion, 89-959 thru 89-365.

CONCLUSION

Based upon South Carolina practice from the logic of the opinion of other states, the committee conclusion that disqualification under above circumstances appearing in the record, because of DPPPS legal counsel as the participant and your honor last employment with DPPPS and Appellant initiating this appeal while the judge was employed at DPPPS and this case still being active, thus, there exist a personal bias or prejudice against Appellant as a result of your honor prior employment, your honor is respectfully requested to recuse herself from this appeal.

STATE OF SOUTH CAROLINA
In The Administrative Law Court
Docket No: 20-P0013

APPEAL OF FINAL DECISION
Department of Probation, Parole and Pardon Services

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

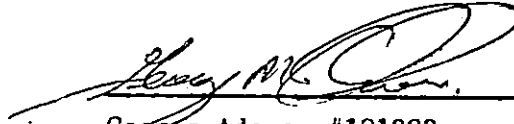
vs.

South Carolina Department of Probation,
Parole and Pardon Service,.....Respondent.

CERTIFICATE OF SERVICE

I George Adams, #181283, pro se, certify that I have served the within Reply of a motion for Recusal, dated 10th, day of August, 2020, on Respondent by depositing a copy of the same in the United States mail, postage pre prepaid this 10th, day of August, 2020, addressed to:

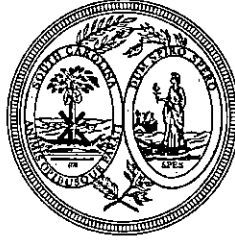
Janell H. Gregory, Legal Counsel
293 Greystone Boulevard
P.O. Box 207
Columbia, S.C. 29202


George Adams, #181283
Pro Se

I further certify that all parties required by rule 54 to be served have been served.

Administrative Law Court

Shirley C. Robinson
Administrative Law Judge



PHONE: (803) 734-0550
FAX: (803) 734-6400
WEB: WWW.SCALC.NET

August 19, 2020

George Adams, I81283
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

CERTIFICATE OF SERVICE
This is to certify that the undersigned has this date served this order in the above entitled action upon all parties in this case by depositing a copy thereof in the United States mail, postage paid, in the first-class Mail Service (as issued to the party (ies) or their attorney(s)).
This 19 day of August 2020
By: _____
Judicial Law Clerk

RE: George Adams v. South Carolina Department of Probation, Parole and Pardon Services
Docket No.: 20-ALJ-15-0013-AP

Dear Mr. Adams:

A review of our open cases does not show that you have an appeal pending before Judge Robinson, therefore the Motion for Recusal that you recently submitted is being returned and has not been filed. According to our records, your last appeal was filed on March 18, 2020, and an Order dismissing that appeal was issued by Judge Robinson on July 29, 2020. Following the issuance of the dismissal order, the appeal file was closed.

Also, for clarification, Judge Robinson has served as an Administrative Law Judge since May 13, 2009 when she was elected to the position by the SC General Assembly. Her biographical information reflects no prior connection or employment affiliation with SCDPPPS or SCDOC.

Best Regards,

T.S.
Judicial Law Clerk to
The Honorable Shirley C. Robinson

FILED

AUG 19 2020

ADMIN. LAW COURT

Enclosure

cc: South Carolina Department of Probation, Parole and Pardon Services Office of General Counsel

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY McMASTER
Governor



JERRY B. ADGER
Director

293 GREYSTONE BLVD
POST OFFICE BOX 207
COLUMBIA, SOUTH CAROLINA 29202
Telephone: (803) 734-9207
Facsimile: (803) 734-9324
www.state.sc.us/ppp

September 1, 2020

George Adams, #181283
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

Dear Mr. Adams:

I have been asked to respond to your letters addressed to Director Adger and Jeff Harmon dated August 14, 2020, concerning your parole eligibility. I am enclosing several letters previously sent to you regarding this matter. As previously stated, the Department's position has not changed and no further response letters will be sent regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Buchanan".

Matthew C. Buchanan
General Counsel

MCB:dn

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL OF FINAL DECISION
Shirley Robinson, (ALC) Judge
Appellate Case No. 2020-001121

RECEIVED
DEC 21 2020
SC Court of Appeals

George Adams, 3181283.....Appellant,


v.

South Carolina Department of
Probation, Parole and Pardon Services.....Respondent.

CERTIFICATE OF SERVICE

I, George Adams, #181283, pro se certify that I have served the within Record on Appeal, dated 12, 17, 2020, on Respondent's Attorney by depositing a copy of the same in the United State mail, postage prepaid, this 17th day of 12, 2020, addressed to wit:


Jannell H. Gregory, Esq.
293 Greystone BLVD.
Columbia, S.C. 29205


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

I further certify that all required by rule 61 to be served have been served.

CERTIFICATE OF COUNSEL

Appellant certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.


George Adams, #181283
Appellant

DECEMBER 17, 2020

LEGAL MAIL