THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY

COURT OF COMMON PLEAS

L. CASEY MANNING PRESIDING

CASE NO:2020-CP-40-3837

The State Of South Carolina

Respondent

"VS"

Edmond Stanley Adams,III

Appellant

EXPLANATION AS TO WHY THE LOWER COURT SHOULD HAVE ENTERTAINED THIS PCR ACTION

Edmond Stanley Adams,III #265717
Keshaw C.I., Rm. PB-04
4848 Goldmine Hwy.
Kershaw S.C. 29067

RECEIVED

MAR 04 2022

S.C. SUPREME COURT

[TABLE OF CONTENTS]

[TABLE OF AUTHORITIES]

(CASES)

[CONSTITUTIONS]

[STATUES]

[RULES]

[STATEMENT OF ISSUES ON APPEAL]

[I]

Did the lower court error by not granting Appellant a second PCR hearing, when Appellant had several factual predicates for lack of subject matter jurisdiction by the trial court ?

[II]

Did the lower court error by not granting Appellant a second PCR hearing, when Appellant did not receive no benefits or entitlements from rule 71.1(d) SCRCP ?

[III]

Did the lower court error by not granting Appellant a second PCR hearing, when Appellants factual predicate that he was denied effective assistance of counsel at his competency hearing held on April 10th, 2000 was never adjudicated on the merits during the Appellants first PCR Litigation ?

[IV]

Did the lower court error by not granting Appellant a second PCR hearing, when the lower court had no findings of fact in the order of dismissal adjudicating all his denial of counsel claims during his first PCR litigation?

[V]

Did the lower court error by not granting Appellant a second PCR hearing, when the lower court did not entertain a question of jurisdiction during the first PCR litigation ?

[VI]

Did the lower court error by not granting Appellant a second PCR hearing, when Appellant raised the factual predicate that his waiver of PCR counsel was not valid ?

[VII]

Did the lower court error by not granting Appellant a second PCR hearing, when Appellant raised the factual predicate that the S.C.Court Of Appeals lacked Appellate Court jurisdiction ?

[VIII]

Did the lower court error by not granting Appellant a second PCR hearing, when Appellant raised the factual predicate that the S.C. Court Of Appeals never re-gained Appellate Court jurisdiction after remand ?

[IX]

Did the lower court error when Appellant stated the form 4 was not signed by the pcr court judge, and Respondent submitted a form 4 that was signed thus creating a factual dispute ?

[X]

Did the lower court error by not granting Appellant a second PCR hearing

when Appellant raised several factual predicates that was not raised in the first PCR hearing, do to Appellant not being appointed PCR counsel to consult with, and amend his application ?

[STATEMENT OF THE CASE]

On Dcember 4th,2006, Appellant submitteed his first PCR action to the Richland County Court of Common Pleas. On February 9th,2007 the State made its return requesting a PCR hearing. The lower court did not promptly appoint counsel or promptly obtain a purported waiver of PCR counsel until [a]fter 13 months had passed.

On March 17th, 2008 a PCR waiver hearing was held, andAppellant purportedly waived PCR counsel to represent him in the PCR hearing.

on March 19th, 2008, two days later, a PCR hearing was held, Appellant raised several valid claims of being denied effective assistance of counsel.

The lower court denied Appellant relief on all grounds, however the order of dismissal did not find any specific findings of facts, and did not properly adjudicate the claims according to law.

Appellant filed a rule 59(e)SCRCP motion to correct these errors, however the lower court did not correct anything in the order of dismissal, and the form 4 in the record adjudicating the 59)e) motion is not signed by the PCR court judge.

On August 12,2020 Appellant submitted a second PCR action to the lower court. [A]gain, the lower court did not appoint Appellant PCR counsel and Appellant raised several claims of lack of subject matter jurisdiction by the trial court and the Appellate court.

On March 25th 2021 Appellate [a]mended his PCR pleading's, however the state hid this amendment from the court. Thereafter the court was informed that the State had hid this amendment from the court, and impermissibly altered the record, the court issued a final order of dismissal.

Appellant timely appealed this action, however SCDC took Appellants mail out of the U.S. Mail system, and used inter-department mail, and for some unknown reason the S.C.Supreme Court never received the appeal.

On January 27th 2022, Appellant wrote a letter to the clerk of court inquireng about the statis of the appeal, and on February 3rd, 2022 the clerk of this court wrote Appellant a letter stating that there was no record that an appeal was filed. Thereafter Appellant had to wait on SCDC records to prove that he mailed the notice of appeal to this court, and upon all parties.

What is more, Appellant had to reconstruct the explantion and do all of this while being on COVID-19 LOCKDOWN STATIS which made this project extremely arduous, and this explanation follows.

[ARGUMENTS]

[I]

BECAUSE SUBJECT MATTER JURISDICTION CAN BE RAISED AT ANYTIME IN ANY PROCEEDING AND THE DOCTRINE OF RES-JUDICATA DO NOT APPLY TO THESE CLAIMS, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING TO ENTERTAIN AND ADJUDICATE THESE CLAIMS ON THE MERITS.

In grounds 11-(a)(1),11-(b)(1),11-(c)(1),11-(c)(2),11-(c)(3),11-(c)(4), 11-(c)(5), and 11-(c)(6), Appellant raised the issues that the circuit court lacked subject matter jurisdiction to entertain and adjudicate his criminal case.

The lower court refused to grant Appellant a PCR hearing and this was obvious error as determined by [t]his court.

Reality is this, the lower court totally ignored the stare decisis effect in this matter. To be sure [t]his [c]ourt has explained that "lack of subject matter jurisdiction can be raised at anytime, in any proceeding, and the doctrine of res-judicata do not apply to these claims,

Brown "vs" State, 343 S.C. 342,540 S.E. 2d. 846 [No.1] (S.C.2001).

In view of this, I dont need to argue this issue any further.

Appellants procedural due process rights, fundamental fairness rights, and equal protection of the law rights were clearly violated in this matter.

[II]

BECAUSE APPELLANT DID NOT RECEIVE THE BENEFITS AND ENTITLEMENTS OF Rule 71.1(d) SCRCP IN HIS FIRST PCR LITIGATION, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING.

Appellant avers that in his first PCR litigation he did not get any of the benefits and entitlements of rule 71.1(d) SCRCP.

This is truly a extraordinary terse statement or allegation made by Appellant and if this is factually true, Applicant is surely entitled to another PCR hearing de-novo.

It is basic PCR jurisprudence that a PCR applicant must get a full and fair bite of the PCR apple, Aice "vs" State, 305 S.C. 448,409 S.E.2d. 392 (1991).

Being so, Rule 71.1(d) SCRCP states In Haec Verba:

"If after the state has filed it's return the application

presents questions of law or fact which will require a hearing, the court shall [p]romptly appoint counsel to assist the applicant if he is indigent. Counsel shall be given a reasonable time to [C]onfer with the applicant. Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary.

* * * * * * * *

To show and prove that Appellant did not get a full and fair bite of the PCR apple, and that the lower court squelched all the entitlements and benefits from Appellant in the first PCR litigation, the fact's of this matter speak for themselves.

[A].APPELLANT WAS NOT PROMPTLY APPOINTED PCR COUNSEL AS COMMANDED BY RULE:

Secundum Regulam, Applicant was to have PCR counsel [p]romptly appointed to his case as a benefit, and entitlement for the State requesting a PCR hearing, Whitehead "vs" State,310 S.C. 532,426 S.E. 2d. 315 (S.C. 1992) Hilton "vs" State,422 S.C. 204,810 S.E. 2d. 852 (S.C.2018); also see S.C.Code Ann § 17-27-60.

The state made its return requesting a hearing on February 14th, 2007, and shockingly on March 17th, 2008 the PCR Court was asking Appellant do he want counsel appointed to the case, or do he want to waive counsel.

It should be shocking to the conscious that Appellant was not appointed counsel for "13 Months before the lower court even asked him anything about PCR counsel.

The lower court stated that Appellant waived counsel, but the lower court missed the point that Appellant asserts. Appellant is not arguing waiver, Appellant is arguing that he was not appointed counsel for 13 MONTHS before he appeared in the PCR court.

So that nobody misses the point, Appellant was to be [p]romptly appointed PCR counsel, and it appears that the state, and the lower court do not know what the definition of promptly means, so here we go,-"To move with action; being ready and quick to act; performed readily or immediately.

By the definition of the word promptly, the violation here is glarring, it should be shocking to the universal sense of justice that one year and one month had passed before a conversation was even had about an appointment of counsel. Importantly, the court never should have had a conversation with Appellant about an appointment of counsel, because by law counsel was

already suppose to be appointed to this case.
Stare decisis dictates that if Appellant wanted to waive PCR counsel, counsel should have already been on the case, and there from, Appellant could have filed a motion to relieve counsel, Hilton supra.
The lower made the appointment of counsel commands for PCR litigation into a complete utter sham, and for that reason Appellant is entitled to a de-novo PCR hearing.
Appellant waited 13 months for counsel to be appointed to his case and counsel never showed up, and thats a concrete fact, so when I say that rule 71.1(d) was violated because I was not appointed counsel, that is the truth, the whole truth, and nothing but the truth, and nobody can deny these fact's.

[B].APPELLANT DID NOT GET THE OPPORTUNITY TO CONSULT WITH COUNSEL, OR HAVE COUNSEL TO INSURE THAT ALL AVAILABLE PCR GROUNDS WERE RAISED, OR HAVE COUNSEL AMEND HIS PLEADINGS.

Simply put, because no PCR counsel was ever appointed in this case, Appellant did not have the benefit and entitlement to confer with counsel to insure that all available grounds were raised in his application, and no amendment was made by counsel which prejudiced the Appellant, based on fact the [n]ew claims in this litigation, could have been raised in the last litigation if counsel was appointed, and discussed the case with Appellant.

What took place in the first PCR case is the CHIEF EVIL of rule 71.1(d)SCRCP, and the S.C. Code Ann. § 17-27-60.
The lower court is trying to hide behind the purported waiver of Appellant, but it is what took place before the purported waiver took place that violates the rule, and the law.
This is a breathless moment for this court, but this court is looking at a complete derogation of Rule 71.1(d)SCRcp and the S.C.Code Ann. § 17-27-60 because everything the rule mandates and the statutory law requires, the Appellant didn't get because he is a black man in the state of South Carolina. This was a procedural irregularity which entitles Applicant to another PCR hearing, Washington "vs" State, 324 S.C.232,478 S.E. 2d.833 (S.C. 1996).
It is axiomatic that Appellant did not get a full and fair bite of the PCR apple Aice supra, moreover the interest of justice requires another hearing because the first hearing did not comply with the rules or law the govern PCR litigation. Appellants 8th, and 14th Amendment Rights to the U.S. Const. was violated in this matter.

[III]

BECAUSE APPELLANT FACTUAL PREDICATE THAT HE WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL AT HIS COMPENTENCY HEARING HELD ON APRIL 10th, 2000 WAS NEVER ADJUCICATED ON THE MERITS DURING THE FIRST PCR LITIGATION, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT APPELLANT ANOTHER PCR HEARING TO ADJUDICATE THIS FACTUAL PREDICATE.

For the sake of resounding clarity, there was [t]wo compentency hearings held in this case, the first one was before Judge Ernest J. Kinard on October 18th, 1999, and Judge James R. Barber signed that order.
The Second competency hearing was held on April 10th, 2000, and Judge James C. Williams presided over that hearing.
Appellant duly informed the lower court that he was denied effective assistance of counsel on April 10th 2000, (SEE APPENDIX PAGES _____AND _____.

The purported adjudication of this claim by the lower court is off point on the facts. The PCR court stated Appellants claim has no merit because Douglas Truslow was appointed to represent Appellant in the competency hearing held in the year 1999.
Notwithstanding, "The specification of one thing, is the exclusion of the other, (Enumeratio Unis Est Exclusio Alteris), thereby because Appellant raised the factual predicate that he was denied effective assistance of counsel on April 10th, 2000, the lower court never adjudicated this factual predicate on the particular relevant merits.
Because the lower court did not adjudicate Appellants factual predicate on the particular merits, that is tantamount to no adjudication at all.
Likewise, it is hard to fanthom a more terse Constitutional violation than to be denied effective assistance of counsel at a competency hearing when you under scrutiny for being possibly mentally ill.
This much is certain, the State of South Carolina, Nor the PCR court can produce a court order as a solidity of proof to this court that a court order appointed counsel for the Blair hearing held on April 10th, 2000.
What is more, Applicant raised this issue in his 59(e)SCRCP motion, on page 12, and the lower court still did not correct this mistake in facts, thereby the lower court purposely committed this Constitutional atrocity.
From these fact's, it is axiomatic that Appellant did not get a full and fair bite of the PCR apple, Aice supra, moreover this was a procedural irregularity, Washington "vs" State, supra,...

This factual predicate was timely filed, so it cannot be barred by the statute of limitations, morever because the lower court never reached the merits of this cognizable claim, this claim cannot be construed as successive.
The problem here is the lower court abandoned its judicial duty and turned Appellant PCR hearing into a sham.
Appellants 8th and 14th Amendment Rights were violated in this case in my opinion based on racial prejudice.
The court did not even get the year right, this is flatly monstrous absurdity.
The interest of justice screams for a new hearing, and this factual predicate must be heard on the merits.

[IV]

BECAUSE THE LOWER COURT DID NOT STATE ANY FINDINGS OF FACT IN THE ORDER OF DISMISSAL RELATED TO DENIAL OF COUNSEL DURING THE FIRST PCR LITIGATION, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING.

As a starting premise, the S.C.Code Ann. § 17-27-80, and [R]ule 52(a)SCRCP commands that the PCR court order state [s]pecific findings of fact to the Appellants factual predicates presented to the court,
Fishburne "vs" State, 427 S.C. 505,832 S.E. 2d. 584 (S.C.2019).
Applicant in his first PCR hearing avers that he was denied effective assistance of counsel during several critical stages of the judicial process, to wit, during the Blair hearing held on April 10th, 2000, during voire dire, sentencing, the re-hearing stage on appeal, and on remand from the S.C. Court of Appeals back to General Sessions.
The first PCR court did not state any findings of fact pertaining to whether Appellant was denied counsel at these critical stages or not.
The only diction that the lower court put-forth pertaining these claims were "APPELLANT CAN'T PROVE PREJUDICE ASSUMING HIS ALLEGATIONS WERE TRUE".
This diction is not a finding of fact, because the lower court used the phraseology "ASSUMING" his allegations were true..
Assuming is defined as-"To think that something is true, or probable true, [w]ithout knowing that it is true". This language clearly demonstrates that no findings of facts were made at all these are denial of counsel claims which the the U.S. Supreme Court requires careful adjudication, because the right to counsel is [f]undamantal and the most important right that a criminal defendant has to protect his other rights.
What is more the court required Appellant to prove prejudice to get relief because the lower court knows for a fact that Applicant was denied counsel

several times. The lower court requiring Appellant to show prejudice was a total abandonment of state and federal law, because ITA LEX SCRIPTA EST no prejudice need to be shown when Appellant was denied counsel, State "vs" Williams, 263 S.C. 290, 210 S.E. 2d. 298 (S.C.1974)-(It is now settled however that an accused is entitled to the assistance of counsel at every stage of the proceeding, and failure to have such assistance is reversable error even though [n]o prejudice is shown.

Roe "vs" Flores-Ortega, 120 S.CT. 1029 (2000)-(If a criminal defendant is denied counsel at any stage of the trial, or on appeal, [n]o showing of prejudice is required, because the adversary process itself is presumptively unreliable".

Brect "vs" Abrahamson, 507 U.S. 619 (1993)-"A CRIMINAL DEFENDANT NEED [N]OT DEMONSTRATE ANY PREJUDICE IF HE SHOWS THAT HE WAS DENIED COUNSEL AT A CRITICAL STAGE OF THE CRIMINAL PROCESS, THE DENIAL OF THE SIXTH AMENDMENT RIGHT TO COUNSEL IS A STRUCTUAL ERROR THAT REQUIRES [A]UTOMATIC [R]EVERSAL, AND "NO" PREJUDICE IS REQUIRED".

Also see;
Smith "vs" Robbins, 120 S.CT. 746 (2000)
Strickland "vs" Washington, 466 U.S. 668, 104 S.CT. 2052 (1984)
Woods "vs" Donald, 575 U.S. 312, 135 S.CT. 1372 (2015)
United States "vs" Chronic, 466 U.S. 668, 104 S.CT. 2039 (1984)
Wright "vs" Van Pattern, 552 U.S. 120, 128 S.CT. 743 (2008)
Bell "vs" Cone, 535 U.S. 685, 122 S.CT. 1843 (2002)
Gorza "vs" Idaho, 488 U.S. 75, 109 S.CT. 346 (1988)

After reviewing these powerful precedents, the lower court going against them has destroyed the appearance of justice and has casted doubt on the integrity of the judicial process, because Appellant was denied counsel factually, and to cover up the lower court used a third world requirement for Appellant to win relief.
The Bottom line here is the lower court cheated Appellant out of automatic reversal.
All the lower court had to do was state whether Appellant had counsel or not during the critical stages stated, but the court could not write this in the order of dismissal, because the court would have had to say that Appellant was denied counsel, and that is what the court didn't want to do to keep me in prison contrary to the 6th, 8th, and 14th Amendments to

the U.S. Constitution.

It is axiomatic that Appellant did not get a full and fair bite of the PCR apple Aice Supra, and this was a procedural irregularity, Washington Supra, Because the United States Supreme Court has put the burden of production on the State to show that counsel was appointed to Appellant during these critical stages stated, this court should only have one major concern and that is to produce the court orders to show Appellant was appointed counsel as the 6th Amendment jurisprudence commands. If they cant do that, they need to concent to hearing because what they have done cannot stand. Show me a court order and I will be quiet, until then I have alot to say. There is no findings of fact, and a [R]ussian adjudication of all Appellants denial of counsel claims, I say this because no American Court would require a criminal defendant to prove prejudice, when the U.S. Supreme Court states and holds that that no prejudice is required for the denial of counsel. These claims must be adjudicated on the merits, and the only way this can is for the Appellant to have a PCR hearing.

[V]

BECAUSE THE LOWER COURT DID NOT ENTERTAIN APPELLANTS LACK OF JURISDICTION CLAIM DURING THE FIRST PCR HEARING, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING.

The S.C.Code Ann. § 17-27-20(b)(2) duly informs us that lack of jurisdiction is a cognizable claim for PCR adjudication. Being so, the U.S. Supreme court has stated :

> "IF THE ACCUSED HOWEVER IS NOT REPRESENTED BY COUNSEL, AND HAS NOT COMPETENTLY AND INTELLIGENTLY WAIVED HIS CONSTITUTIONAL RIGHT, THE SIXTH AMENDMENT STANDS AS A [J]URISDICTIONAL [B]AR TO A VALID CONVICTION AND SENTENCE DEPRIVING HIM OF LIFE OR LIBERTY-THE JUDGMENT OF CONVICTION PRONOUNCED BY A COURT WITHOUT JURISDICTION IS VOID!
>
> Johnson "vs" Zerbst, 304 U.S. 458, 58 S.CT. 1019 (1938);
> Custis "vs" United States, 511 U.S. 485, 114 S.CT. 1732 (1994).

With this foundation fresh in mind, Appellant raised the issue that the Lower court could not except his waiver of counsel to respesent himself at trial, and at the same time have a compentency hearing questioning his competency. The lower court did this factually, but when the issue was raised at the PCR hearing, the lower court ran from this issue, and stated this

was a direct appeal issue, and by law it was not.
Any waiver of counsel factual predicate that deals with a waiver of counsel claim is a PCR issue, because it is a [j]urisdictional issue.
This factual predicate put-forth by Appellant was never adjudicated on the merits, therefore it was error by the lower court not to grant Appellant a second PCR hearing for this procedural irregularity that took place in the first PCR hearing Washington Supra.
It is axiomatic that Appellant did not get a full and fair bite of the PCR Apple Aice Supra. The interst of justice requires a hearing into this matter do to the gravity and seriousness of this factual predicate.
Before this court is a waiver of the 6th Amendment Right to counsel at a competency hearing. Appellants 14th Amendment Right to the U.S. Constitution was violated in this matter.

[VI]

BECAUSE APPELLANT RAISED THE FACTUAL PREDICATE THAT HIS WAIVER OF PCR COUNSEL WAS NOT VALID, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING TO INSURE THE WAIVER WAS VALID.

This factual predicate falls within the narrow exception for the lower court to grant Appellant a second PCR hearing. This much is certain, if Applicants purported waiver of PCR counsel is not valid, this would constitute a structual defect that will render the entire proceeding void.
The lower court could have entertained this claim pursuant to the S.C.Code Ann. § 17-27-(b)(4) because Appellant could not have raised this issue in his first PCR hearing, and the interest of justice required a hearing to determine if the purported waiver was valid.
The lower court has the transcript to waiver hearing so adjudication of this matter should be brief. Appellants procedural due process rights under the 14th Amendment was violated here. Aice Supra.

[VII]

BECAUSE THE APPELLANT RAISED THE FACTUAL PREDICATE THAT THE S.C. COURT OF APPEALS LACKED APPELLATE COURT JURISDICTION, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING TO ENTERTAIN THIS CLAIM.

The jurisprudence for the lower courts judicial power is well known,

"Subject matter jurisdiction can be raised at anytime, in any proceeding and the doctrine of res-judicata do not apply, Brown Supra.

In my opinion, the [s]ame jurisprudence should apply to the judicial power of the Appellate Court, to wit, Appellate Court jurisdiction can be raised at anytime in any proceeding, because when the reason is the same, the law is the same, and the same judgment should be rendered on comparable fact, "(UBI EADEM RATIO, IBI IDEM JUS; ET DE SIMILIBUS IDEM EST JUDICIUM"

Likewise, Appellant avers that the S.C. Court Of Appeals lacked Appellate Court jurisdiction, because there is a [r]ule 203(b)(2) SCACR violation present in this case. To be sure there is "NO WRITTEN COURT ORDER ADJUDICATING HIS POST TRIAL MOTIONS."

I emphasize the point, that strict adherence is required secumdum regulam to bestow appellate court jurisdiction.

Stare Decisis afforces my point here, to be absolutely sure, this court only needs to review State "vs" Devore, 416 S.C. 115, 786 S.E.2d. 690 (2016). When Appellant raised this issue in 2005, the S.C.Court of appeals ruled against rule 203(b)(2) SCARC by basically stating the prerequisites for an appeal is not necessary, as crazy as that sounds, its true, look at my past litigation into this matter.

Because there is a genuine jurisdictional dispute present in this case, the lower court should have granted Appellate a second PCR hearing in the interest of justice. Lack of Appellate Court jurisdiction can be raised at anytime. Appellants 14th Amendment Rights to the U.S. Constitution was violated in this case.

[VIII]

BECAUSE APPELLANT RAISED THE FACTUAL PREDICATE THAT HIS FORM 4 WAS NOT SIGNED BY THE PCR COURT JUDGE IN THE FIRST PCR HEARING, AND THE STATE PUT INTO THE RECORD A SIGNED FORM 4 FROM THE FIRST PCR HEARING, IT WAS ERROR BY THE LOWER COURT NOT TO GRANT A SECOND PCR HEARING.

Appellant raised the issue that his form 4 from the lower court adjudicating his 59(e)SCRCP motion is [n]ot signed by the PCR court judge.

The State put a Form 4 in the record in this litigation that is not in the record or appendix, which created a genuine issue of material fact as to which form 4 is valid, becaue both of these cannot be valid.
Records are vestiges of antiquity and truth,(RECORDA SUNT VESTIGIA VETUSTATIS ET VERITATIS), with this fresh in mind, the form 4 put-forth by Appellant is from the Appendix in [T]his court, on page 1763.
I don't know where the State got there form 4 from, but it is not the form 4 in this court.
It was error by the PCR court not to grant a hearing to get to the truth of this hypersensitive jurisdictional issue, because if the court holds that the form 4 is invalid to bestow appellate court jurisdiction on [t]his court, then the jurisdiction of this case has been in the PCR for a long time. This was a procedural irregularity, and for that reason, the court was in error by not granting appellate another PCR Hearing.
Washington Supra. This violated Appellants 14th Amendment Rights to the U.S. Constitution.
With an unsigned court order, there is no way we can say that Appellant had a full and fair bite of the judicial apple, Aice Supra.

[IX]

BECAUSE THE STATE CANNOT PRODUCE A COURT ORDER FROM THE PCR COURT ADJUDICATING APPELLANTS ISSUES TO REPAIR HIS TRANSCRIPT AFTER REMAND, IT WAS ERROR BY BY THE LOWER COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING TO INSURE THE S.C. COURT OF APPEALS RE-GAINED APPELLATE COURT JURISDICTION.

Concrete and to the point, the S.C.Court of Appeals [r]emanded this case back to the circuit court to hear the tapes of the trial to repair the transcript. Shockingly there is **NO COURT ORDER FROM CIRCUIT COURT ADJUDICATING THIS MATTER.**
The pivotal question here, is how did the S.C.Court of Appeals re-gain Appellant Court Jurisdiction ? This much is certain, there is no court order in the record to show that the S.C.Court Of Appeals regained judicial power by the rules of the SCACR.
Because these facts exist, it was error by the lower court not to grant Appellant a second PCR hearing.
The judicial power of the Appellant Court should be able to be challenged at anytime. Because this claim rocks the very foundation of the appellants appeal, the interest of justice requires that the lower court here this claim on the merits.
Appellant s 14th Amendment Rights to the U.S. Const. was violated.

[X]

BECAUSE APPELLANT DID NOT GET THE BENEFIT TO CONSULT WITH COUNSEL AND HAVE COUNSEL AMEND HIS PCR PLEADINGS TO INSURE ALL GROUNDS WERE RAISED PROPERLY, IT WAS ERROR BY THE PCR COURT NOT TO GRANT APPELLANT A SECOND PCR HEARING

Appellant was not [p]romptly appointed PCR counsel by rule 71.1(d)SCRCP, and the S.C.Code Ann. § 17-27-60.

As a result Appellant did not get to consult with counsel for 13 months to make absolutely sure that all available grounds for relief were raised in the first PCR llitigation.

Jurisprudentially speaking, this was a structual defect that rendered the entire first PCR hearing null and void.

Grounds 11-d-5,11-d-7,11-d-8,11-f-1,11-g-1,11-g-2,11-g-3,11-L-1,11-i-1, 11-j-1, and 11-K-1 are new factual predicates that were not raised in the first PCR hearing, that should be heard now do to the ineptitude of the lower court not appointing counsel at all.

Appellants 14th Amendment rights to the U.S. Constitution was violated in this case.

RECEIVED
MAR 04 2022
S.C. SUPREME COURT

[CONCLUSION]

For the reasons stated, Appellant should be granted a PCR hearing de-novo.

Respectfully written

2.28.22
DATE

Edmond S. Adams III

Edmond S. Adams, III #265717
Kershaw C.I. Rm. PB-04
4848 Goldmine Hwy
Kershaw S.C. 29067