

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
)
)
 Edmond S. Adams, #265717)
)
 Applicant)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

2020-CP-40-3837

FINAL ORDER OF DISMISSAL

RICHLAND COUNTY
 FILED
 2021 DEC -9 AM 9:21
 COURT REPORTER

This matter comes before the Court pursuant to an application for post-conviction relief filed by Applicant Edmond S. Adams on August 12, 2020. Respondent made its Return and Motion to Dismiss on October 15, 2021, requesting the application be summarily dismissed because it was untimely, successive, barred by the doctrine of *res judicata*, and failed to state a cognizable claim for relief.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed October 20, 2021, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated November 2, 2021, serving the above-mentioned Conditional Order of Dismissal on the Applicant. Applicant submitted a response filed on November 16, 2021, titled "Applicant's Response to Conditional Order of Dismissal" wherein Applicant argues Respondent's return and motion to dismiss did not address Applicant's amendment to his application and alleges the state has disassembled the appendix to "cripple or retard his litigation" and obstructed justice by "taking important document's out of the record to keep the court's from seeing the ugly truth to this

matter.” As an initial matter, this Court notes it has received and reviewed the Applicant’s amendments to the current PCR action which include allegations 10(a) – (h) alleging various courts lacked subject matter jurisdiction, 10(i) alleging conflict of interest regarding the solicitor’s office, 10(j) alleging trial court bias, 10(k) alleging his waiver of PCR counsel was not knowingly and intelligently given, and 10(L) alleging the denial of counsel during his first PCR action. This Court has additionally reviewed the explanations provided in support of those allegations (11(a)(1) – 11-L-1).

In his response, Applicant alleges he was not promptly appointed counsel for his first PCR hearing in violation of rule 71.1(d) and claims he is by law entitled to another PCR hearing. The record from Applicant’s first PCR action clearly indicates that on March 17, 2008, Applicant appeared before the Court and knowingly and voluntarily waived the right to have appointed counsel for his PCR matters. The Court reconvened on March 19, 2008, where Applicant confirmed on record he voluntarily waived his right to counsel and desire to proceed on his PCR *pro se*. Applicant cannot claim a violation of his right to counsel pursuant to 71.1(d) when he knowingly and voluntarily waived that right. Applicant additionally argues the he was denied counsel during critical stages of the judicial process, and that he raised this issue during his first PCR hearing. The record reflects Applicant elected to proceed to trial *pro se* on his underlying offenses and was provided advisory counsel and a law clerk after having approximately five attorneys assigned to aid in his case. Applicant also argues he was denied effective assistance of counsel during his first appeal, when he relieved himself as counsel which he alleges is a “new factual predicate for the court’s adjudication on the merits.”

Applicant additionally claims his issues regarding lack of subject matter jurisdiction can be raised at any time and *res judicata* does not apply, that the court never addressed his claim that

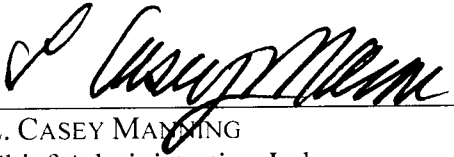
the waiver of his right to counsel was unconstitutional, insists that the court cannot say he was competent to waive the right to counsel, and states that there is no valid order or Form 4 dismissing his 59(e) motion.

This Court has reviewed Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the application for post-conviction relief is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant he must file and serve a Notice of Appeal within thirty days of the service of this Order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 8 day of December, 2021.


L. CASEY MANNING
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina