

JUDICIAL MERIT SELECTION COMMISSION)
)

In the Matter of:)
Candidate for)

) WITNESS AFFIDAVIT
) FORM
)

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement must be completed and returned to the Judicial Merit Selection Commission at least five (5) days prior to the hearing at which I wish to testify in order for the commission to hear my testimony and that the deadline for complaints is **Tuesday, October 21, 2014 at 12 noon.**

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.

Adrian Hammond
508 Lakeside ave.
Columbia S.C. 29203
803-933-9688
W# 803-678-7218

- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.

Jay Bender
P.O. Box 8057
Columbia S.C. 29202
803-299-9091

Judge Barber



- (3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:
- (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;

SEE Attachment

- (b) specific dates, places, and times at which or during which such allegations took place;
- (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and
- (d) how this information relates to the qualifications of the judicial candidate.

(4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.

(5) State any other facts you feel are pertinent to the screening of this judicial candidate.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate and counsel.

RE: Witness Affidavit Form (3) a-d


As a law abiding citizen I respect the judicial system and Judge Barber as a person. I'm sure that to many he has done great things in the community, and also a superior family man. However, as a judge this complainant will show that Judge Barber grossly abused his ethical duty as Chief Administrative Judge in the handling of my civil matter (see 06-CP-40-2788) in the following manner:

The complainant filed the above mentioned case in May of 2006. Shortly after, Jay Bender filed motion to dismiss on behalf of the State Record Inc. (see May 26, 2006 motion to dismiss). The court had in fact set a motion hearing for July of 2006 to be heard by the Honorable Judge Alison R. Lee. Without notice to the court Jay Bender was a no show to that July motion hearing. After receiving word that Mr. Bender in fact had court that week Judge Lee then continued the motion for November 27, 2006. Please note that Judge Barber was the acting Chief Administrative Judge at this time (see C.A.J. chart). On November 17, 2006, without any notice to Mr. Hammond, Mr. Bender wrote Judge Barber a letter informing him this matter was subject to a Motion for Summary Judgment. And that a hearing had been set on the Motion previously, but continued because it came up at a time he had trial. Mr. Bender ended letter with the hopes of getting a Motion scheduled by Judge Barber even after being fully aware of the November 27, 2006 hearing that was in fact set by Judge Lee during the July 2006 hearing that had to be continued because Mr. Bender had trial that week (see ex parte letter). When the November 2006 hearing came up Mr. Bender was again a no show. Judge Lee then paused the hearing to contact Mr. Bender, after getting no response Judge Lee then dismissed because no one appeared without showing cause (see November 2006 order by Judge Lee). Absent of any motion filed by Mr. Bender to reinstate his clients motion to dismiss as required by Court Rules, Judge Barber abused his authority as Chief Judge by rescheduling the motion hearing for December 14, 2006. Moreover, not only did Judge Barber violate the rules of the court to allow the proper due process, he also assigned himself to hear this same motion to dismiss (see December 14, 2006 court notice). When Mr. Hammond gained knowledge of that November 17, 2006 ex parte letter Judge Barber had already dismissed his Cause of Action. Mr. Hammond then filed a complaint on Judge Barber with the Judicial Merit Selection Commission. The J.M.S.C. chaired at the time by Rep. F.G. Delleney held a hearing to hear my complaint, and in that setting Mr. Hammond accused Judge Barber of abusing his authority as Chief Judge by going outside the scopes of court rules by way of accepting an ex parte letter then to act on it by rescheduling a hearing that had already been previously set and that he in fact assigned himself to hear the matter. In response, Judge Barber adamantly denied the allegations by waiving that December 14, 2006 court notice in Mr. Hammond face saying to him and the J.M.S.C., "See Mr. Hammond I couldn't have assigned myself to the case because look Judge Lee is listed as the Chief Administrative Judge". (See 2006 Chart explained by the court on who served as Chief Judge and when)(Judge Lee was Chief Admin. to be) As


you can see according to the chart Judge Barber clearly mislead this Commission and he clearly overreached in his authority as Chief Judge to deny Mr. Hammond right to due process.

CONCLUSION

The information mentioned above leaves the qualifications of Judge Barber Judgeship greatly in question pursuant to the Canons that govern Judges here in South Carolina. According to Canon 1 it is well established that a judge should participate in establishing, maintaining and enforcing high standards of conduct, and personally observe those standards so that the integrity and independence of the judiciary will be preserved. When Judge Barber listed Judge Lee as the chief judge that assigned him to this matter when in fact he assigned himself and then lied about it to cover his wrongdoing puts this judiciary along with Judge Barber greatly in question. Canon 2 explains that a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Judge Barber did what he wanted to do in this matter weather it complied with the law or not. When Judge Lee dismissed in November of 2006 because no one appeared Judge Barber totally disregarded Judge Lee ruling and dismissed her from hearing this matter. He then rescheduled the matter without anything being filed by Mr. Bender as required by South Carolina Court Rules. This is a clear example on how Judge Barber totally disregarded law and court procedurals. Canon 3 A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending proceeding except that: (a) where circumstances require, ex parte communication for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merit are authorized; provided: (i) the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication, and (ii) the judge makes provisions promptly to notify all other parties of the substance of the ex parte communication and allows an opportunity to respond. In this matter it is well established that Judge Barber was the Chief Administrative Judge at the time, and that he did in fact receive an ex parte letter from Mr. Bender. There are provisions provided that I am sure Judge Barber would like to rely upon in respect to allowing the Chief Judge to except an ex parte letter for scheduling purposes. Even if there was cause for a letter to be written for whatever reason it's the law that Judge Barber makes provisions promptly to make sure Mr. Hammond was notified of the substance of that ex parte letter to allow him the opportunity to respond and Judge Barber and Mr. Bender clearly disregarded this rule of law. As a result of that ex parte letter and the facts above mentioned. Mr. Bender enjoyed a great procedural and tactical advantage over Mr. Hammond in this matter. Please take a close look at the facts of this matter, the life of the next person that has to go before Judge Barber might depend on it.



10-17-14

Select a Term 

Display Term

Printer Friendly Version

**July 2, 2006 - December 30, 2006
Circuit Court**

Authority of Judge Designated as a Chief Judge for Administrative Purposes - Circuit Court

<p>CIRCUIT 1</p> <p>Calhoun Dorchester Orangeburg</p>	<p>The Honorable Diane Schafer Goodstein 5200 East Jim Bilton Blvd. Post Office Box 234 St. George, SC 29477 Office: (843) 832-0332 Fax: (843)832-0389</p>
<p>CIRCUIT 2</p> <p>Aiken Bamberg Barnwell</p>	<p>The Honorable Doyet A. Early III Post Office Box 90 Bamberg, SC 29003 Office: (803) 245-4000 Fax: (803)245-2983</p>
<p>CIRCUIT 3</p> <p>Clarendon Lee Sumter Williamsburg</p>	<p>The Honorable Clifton Newman P O Box 516 Kingstree, SC 29556-0516 Office: (843) 355-9321 Fax: (843)355-1576</p>
<p>CIRCUIT 4</p> <p>Chesterfield Darlington Dillon Marlboro</p>	<p>The Honorable J. Michael Baxley 240 Spotted Owl Lane Moncks Corner, SC 29461 Office: (843) 761-7007 Fax: (843)761-7037</p>
<p>CIRCUIT 5 - CP</p> <p>Kershaw Richland</p>	<p>The Honorable James R. Barber III P O Box 2766 1701 Main Street, Room 223 Columbia , SC 29202-2766 Office: (803) 576-1779 Fax: (803)576-1782</p>
<p>CIRCUIT 5 - GS</p> <p>Kershaw Richland</p>	<p>The Honorable James W. Johnson Jr. P O Box 367 Main Street Laurens, SC 29360-0367 Office: (864) 984-2076 Fax: (864)984-2333</p>

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
Adrian Hammond,)
)
Plaintiff,)
)
vs.)
)
The State-Record Company, Inc.,)
)
Lezlie Patterson, Tanya R. Fogg,)
)
Monte Paulsen, Lisa Greene and)
)
Cliff LeBlanc,)
)
Defendants.)
)

IN THE COURT OF COMMON PLEAS

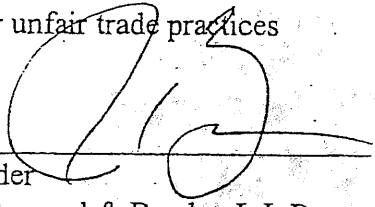
Case No. 2006-CP-40-2788

NOTICE OF MOTION AND MOTION
TO DISMISS ON BEHALF OF DEFENDANTS

2006 MAY 30 AM 10:21
BARBARA A. SCHEIDT
C.C.C. & G.S.

TO: ADRIAN HAMMOND, PLAINTIFF, *PRO SE*:

PLEASE TAKE NOTICE that ten (10) days hereafter, or as soon thereafter as counsel may be heard, defendants will move through the undersigned pursuant to Rule 12(b)(6), SCRCP, to dismiss the within-captioned complaint on grounds that the plaintiff has failed to state facts sufficient to constitute a cause of action either for negligence or unfair trade practices



Jay Bender
Baker, Ravenel & Bender, L.L.P.
3710 Landmark Drive, Suite 400
P. O. Box 8057
Columbia, SC 29202
(803) 799-9091
Attorneys for defendants

Columbia, South Carolina

May 26, 2006

D

Richland County Clerk Of Court
1701 Main Street
P. O. Box 2766
Columbia, SC 29202

December 14, 2006

Adrian Pro Se Hammond
508 Lakeside Ave
Columbia, SC 29203

Case Number: 2006CP4002788

Adrian Pro Se Hammond vs. The State-Record Inc

MOTION(S) FILED: Dismiss

The above referenced case is scheduled for a Motion Hearing on January 2, 2007 at 11:00 AM before Judge James R. Barber, III in Courtroom 2-C.

The Plaintiff's Attorney is to notify the Defendant in writing of the time and date of all Default and Damages Hearings.

All requests for continuances must be in writing and received by the Chief Administrative Judge prior to the hearing. Please notify the Court in writing if the Motions are resolved prior to the hearing.

Questions concerning this Notice should be directed to the Chief Administrative Judge.

Alison R. Lee
Chief Administrative Judge

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

ADRIAN HAMMOND,)

Docket No. :

Plaintiff,)

Complaint

-vs-

(JURY TRIAL REQUESTED)

The State-Record Company,)
Inc. and Lezlie Patterson, Tanya R. Fogg)
Monte Paulsen, Lisa Greene, Clif LeBlanc)

Defendants.)

2006 MAY 12 PM 5:06
BARBARA A. SCOTT
C.C.C. & G.

RICHLAND COUNTY

The Plaintiff complaining of the Defendants above-named would respectfully show unto this Honorable Court as follows:

1. That the plaintiff is a citizen and resident of Richland County, State of South Carolina.
2. That upon information and belief, the defendant The State Record Company, Inc. is a Corporation organized under the laws of the state of South Carolina.
3. That upon information and belief, The State-Record Company, Inc., is the publisher of the daily and Sunday newspaper, published in Columbia, S.C., known as "The State".
4. That upon information and belief, Defendants, Lezlie Patterson, Tanya R. Fogg, Monte Paulsen, Lisa Greene, and Clif LeBlanc are persons employed by the State-Record Company, Inc. as (a.) staff writer (s) (hereinafter, "The Writers"). At all times herein relevant, the writers were acting within the course and scope of his/her their employment with the State-Record Company, Inc.

BACKGROUND

5. That on or about January 25, 1994, the plaintiff was arrested by the Columbia Police Department, detained and subsequently charged with the crimes of murder and assault involving one Earnest Dunlap, that at the time of the alleged incident, the plaintiff was sixteen (16) years of age.
6. That as a result of the foregoing criminal charges, the plaintiff, was subject to the jurisdiction of the Family Court for Richland County.
7. On January 26, 1994 The State Newspaper Quotes "A hearing is scheduled for today on the 16-year-old, who was not identified because the law does not consider him an adult until his 17th birthday.
8. That on the dates January 27, 1994, January 28, 1994, January 29, 1994, January 30, 1994, January 31, 1994, February 6, 1994, and again on February 26, 1994,

Adrian Hammond

Tanya R. Fagg

RICHLAND COUNTY
CLERK OF COURT
BARBARA A. SCOTT
C.C.O. & G.S.
NOV 28 AM 8:59

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Defendant's motion to dismiss denied - no one appeared on its behalf. Plaintiff present.

Dated at Columbia, South Carolina, this 27th day of November, 2006

Alis Alene Lee
PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 20____, and a copy mailed first class this 28 day of Nov, 2006 to attorneys of record or to parties (when appearing pro se) as follows:

Adrian Hammond, Pro Se

Jerry Jay Bender

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

s/BARBARA A. SCOTT
CLERK OF COURT

Renee



BAKER RAVENEL BENDER
ATTORNEYS AT LAW

CHARLES E. BAKER
DORIS CRAVENS RAVENEL
JAY BENDER
S. MARKEY STUBBS
THARINE CARBEE GRIFFIN
WILLIAM PEARCE DAVIS
KIRBY D. SHEALY III
ELIZABETH M. DALZELL
HOLLY PALMER BEESON
ATHAN J. VAN GINHOVEN
AMY L. MILLIGAN
BRADLEY L. LANFORD
SAMUEL M. MOKEBA
EMMA ISABELLE BRYSON
GEORGE A. REEVES III

November 17, 2006

Schedule, Dec 11

The Honorable James R. Barber
Chief Administrative Judge
Fifth Judicial Circuit
Richland Judicial Center
1701 Main Street
Columbia, South Carolina 29201

already set for 11/27/06

Re: Adrian Hammond v. The State Record Company, Inc., Lezlie Patterson, Tanya R. Fogg, Monte Paulsen, Lisa Greene, and Cliff LeBlanc
C. A. No. 2006-CP-40-02788
Our File No. 5859.60

Dear Judge Barber:

The above-referenced case is subject to a Motion for Summary Judgment by defendant. A hearing had been set on the Motion previously, but continued because it came up at a time I was in trial. This same plaintiff had filed an identical action against The State many years ago, and that action had been resolved in favor of the newspaper. In this most recent action, the plaintiff has sued the newspaper and his former lawyers. The former lawyers have had their Summary Judgment Motion granted. I would hope that the newspaper's Motion could be scheduled for a hearing soon.

Best regards.

Yours very truly,

Jay Bender

JJB/tkt

cc: Mr. Mark Lett

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