



The Supreme Court of South Carolina

Patricia A. Howard
CLERK OF COURT

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August 17, 2023

RECEIVED

AUG 17 2023
SC Court of Appeals

Mr. Terrence Adams, #229165
Evans Correctional Institution
610 Highway 9 West
Bennettsville, SC 29512

Re: Appellate Case 2023-000242

Mr. Adams:

This responds to your letter received August 17, 2023. This Court cannot consider this *ex parte* communication about this matter that is pending at the Court of Appeals. Further, since you are represented by counsel in this matter(s), we are forwarding a copy of your letter to counsel.

Sincerely,

Patricia A. Howard

Clerk of Court

cc: The Honorable Jenny Abbott Kitchings (with copy of correspondence)
Robert Michael Dudek, Esquire (with copy of correspondence)
Alan McCrory Wilson, Esquire

Terrence Adams #229165

EVANS
610 HWY 9 West
Bennettsville, SC 29512
AUGUST 14, 2023

AUG 14 A.M.

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AUG 17 2023

S.C. SUPREME COURT

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Post Office Box 11330
COLUMBIA, South Carolina 29211

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AUG 17 2023

SC Court of Appeals

RE: Appellate Case Number 2023-000242

Dear Hon. Justice's,

The Appellant Pled not Guilty But the Petit Jurors Find him Guilty on illegal Facts. on Monday, January 30, 2006 Assistant Solicitor Richard C.R. Cothcott Alleged upon going the Computer data record in Preparation of trial, the state realized Appellant has a Prior Conviction -- Both Prior Convictions are For Burglary First Degree. He said the state has no choice But to serve Appellant with an illegal Notice of Intent to seek Life without Parole in front of Judge Manning on January 9th, 2006. However, But Appellant did not waived argument to this objection, It was the State and Court appointed Counsel Lauren H. Mobley stipulated in a written stipulation that the Appellant, Terrance Adams was convicted on January 8th, 1997 in Case No. 1993-CR-9506 and in Case No. 1993-CR-40-9530 on July 12, 1995, signed by both Parties. IF the Notice says one thing and the stipulation is for another thing. what was Appellant on Notice For?

Actual innocence is the Absence of Facts enumerate in S.C. Code Ann. § 16-11-312 (A) that is prerequisites for this sentence under Section 16-11-311 (B) or Section 17-25-45. The evidence used in during Criminal Proceedings is illegal "Cause" the Criminal sentence sheet Contract (S) is only signed by the judge and clerk of Court is this Contract valid?

who is my Appellate Counsel?
will you assists me for this matter?

LS/ Terrance Adams

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EXHIBIT # 14

AUG 17 2023

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S.C. SUPREME COURT (MONDAY, JANUARY 30, 2006.)

2 MR. CATHCART: YOUR HONOR, AT THIS TIME THE STATE
 3 CALLS THE CASES OF STATE V. TERRANCE ADAMS, SIX COUNTS OF
 4 BURGLARY FIRST, LARCENIES THAT ACCOMPANY, I BELIEVE, MANY,
 5 TWO GRAND, A POSSESSION OF BURGLARY TOOLS AND RESISTING
 6 ARREST. THIS IS IN REFERENCE TO 2004 -- INDICTMENT NOS.
 7 05-3478, 3477, 3548, 3945, 3940, 4169, 3547, 3941, 35 --
 8 EXCUSE ME, 3475, 3474, 3936 -- 3936, 4170, 3549, AND 3550.
 9 HE IS REPRESENTED BY COUNSEL. HE IS COMING INTO THE
 10 COURTROOM RIGHT AS WE SPEAK, YOUR HONOR.

11 THIS IS A CASE THAT THE DEFENDANT WAS ARRESTED BACK ON
 12 APRIL 2005. UPON GOING THROUGH THE DEFENDANT'S RECORD IN
 13 PREPARATION OF TRIAL, THE STATE AT THAT TIME REALIZED HE
 14 HAS A PRIOR CONVICTION -- IN FACT, BOTH PRIOR CONVICTIONS
 15 FOR BURGLARY FIRST DEGREE. HE IS NOW FACING SIX COUNTS OF
 16 BURGLARY IN THE FIRST DEGREE, THESE WOULD BOTH BE MOST
 17 SERIOUS OFFENSES. THE STATE HAS NO CHOICE BUT AT THAT TIME
 18 TO SERVE HIM WITH NOTICE OF INTENT TO SEEK LIFE WITHOUT
 19 PAROLE. THAT NOTICE WAS SERVED UPON HIM JANUARY THE 9TH I
 20 BELIEVE IN FRONT OF JUDGE MANNING IF I WAS NOT MISTAKEN
 21 JUDGE JOHNSON.

22 ~~IT WAS ON THE RECORD, YOUR HONOR. DEFENSE COUNSEL WAS~~
 23 ~~PRESENT WHEN WE SERVED HIM WITH OUR NOTICE OF INTENTION TO~~
 24 ~~SEEK LIFE WITHOUT PAROLE.~~

25 IF I MAY APPROACH AND HAND UP OUR NOTICE.

STATE V. TERRANCE ADAMS

1 THE COURT: ALL RIGHT.

2 (PAUSE.)

3 MR. CATHCART: WE'RE PROCEEDING ON EACH OF THESE

4 CHARGES, YOUR HONOR. EACH BURGLARY, HOWEVER, IS A SEPARATE

5 INDIVIDUAL BURGLARY. THEY ALL OCCURRED AROUND THE SAME

6 PERIOD OF TIME, AT THE SAME FIVE-HOUR PERIOD. HE WAS

7 CAUGHT WITH PROCEEDS FROM ALL OF THE SAME BURGLARIES. THE

8 WITNESSES IN ALL OF THESE BURGLARIES, OTHER THAN THE

9 VICTIMS, SAY THAT THEY WERE NOT -- THEY DID NOT ALLOW THE

10 DEFENDANT INTO THEIR HOME OR ALLOW HIM TO GATHER THEIR

11 ITEMS. ALL THE WITNESSES WILL BE THE SAME.

12 HOWEVER, I JUST WANT TO MAKE CLEAR ON THE RECORD THAT

13 EACH ONE IS A SEPARATE OFFENSE. IF THE JURY FOR SOME

14 REASON FEELS THAT HE IS GUILTY OF ONE AND NOT THE OTHER

15 ONE, FIND HIM GUILTY OF ONLY ONE COUNT OF BURGLARY FIRST AS

16 OPPOSED TO ALL SIX COUNTS OF BURGLARY FIRST, IT'S STILL

17 LIFE WITHOUT PAROLE.

18 (PAUSE.)

19 THE COURT: ALL RIGHT. WE HAVE SOME PRETRIAL MOTIONS,

20 MS. MOBLEY.

21 MS. MOBLEY: THANK YOU. MAY IT PLEASE THE COURT.

22 WOULD YOUR HONOR CARE TO ---

23 THE COURT: LET'S START -- LET'S GO AHEAD WITH THE

24 MOTION TO QUASH, WHICH MUST BE HEARD PRIOR TO HAVING A JURY

25 SELECTED. LET'S GO AHEAD AND DEAL WITH THAT, AND THEN THE

1 GOING BACK TO THE JURY REGARDING CONVICTIONS, I'M NOT
2 SURE ---

3 THE COURT: LET'S GET THOSE AND TAKE A LOOK AT THEM.
4 (PAUSE.)

5 THE COURT: 42 AND 43.

6 MS. MOBLEY: YES, SIR.

7 THE COURT: WHY DON'T YOU ALL LOOK AT THEM, SEE IF YOU
8 CAN AGREE ON SOMETHING. AND IF NOT, THEN I'LL DECIDE.

9 MS. MOBLEY: CERTAINLY, YOUR HONOR.

10 (PAUSE.)

11 MS. MOBLEY: YOUR HONOR, I THINK WE'VE REACHED A
12 REASONABLE CONCLUSION.

13 THE COURT: ALL RIGHT.

14 MS. MOBLEY: YOUR HONOR, I THINK WE'RE GOING TO TYPE
15 UP A STIPULATION THAT WE -- THE DEFENSE AGREES THAT HE DOES
16 ~~HAVE TWO PRIOR CONVICTIONS FOR BURGLARY SECOND ON TWO PRIOR~~
17 ~~CONVICTION DATES AND THEN SEND THAT BACK, BECAUSE WE'RE~~
18 ~~HAVING TROUBLE TRYING TO ---~~

19 THE COURT: REDACT ---

20 MS. MOBLEY: --- REDACT IT.

21 THE COURT: --- WHAT THE OFFICIAL RECORD IS. ALL
22 RIGHT. IF YOU HAVE AGREED TO THAT, I HAVE NO PROBLEM WITH
23 THAT.

24 MR. CATHCART: THAT'S FINE.

25 THE COURT: YOU NEED TO DO IT QUICKLY, BECAUSE I CAN'T

1 SEND THE REST OF IT BACK THERE UNTIL WE GET THAT.

2 MS. FENT: YES, YOUR HONOR.

3 (PAUSE.)

4 THE COURT: IN ENTERING THAT STIPULATION, THE DEFENSE
5 IS NOT IN ANY WAY WAIVING ARGUMENTS PREVIOUSLY MADE AND
6 OBJECTIONS MADE TO THAT. THIS IS SIMPLY A STIPULATION ON
7 HOW THAT WOULD BE PRESENTED TO THE JURY.

8 MR. CATHCART: YES, SIR.

9 MS. MOBLEY: THANK YOU, YOUR HONOR.

10 THE COURT: WHILE SHE'S DOING THAT, DO YOU ALL WANT TO
11 TAKE A LOOK AT THESE VERDICT FORMS, BE SURE YOU ARE OKAY
12 WITH HOW THEY HAVE BEEN PREPARED.

13 (PAUSE.)

14 THE COURT: YOU ALL ARE OKAY WITH THE VERDICT FORMS?

15 MS. MOBLEY: YES, SIR.

16 MR. CATHCART: YES, SIR.

17 THE COURT: ALL RIGHT.

18 (PAUSE.)

19 THE COURT: WAIT A SECOND BEFORE YOU TAKE IT BACK. I
20 NEED TO HEAR SOMETHING ELSE. HERE ARE THE VERDICT FORMS
21 THAT GO WITH IT.

22 ALL RIGHT. MS. MOBLEY.

23 MS. MOBLEY: THANK YOU, YOUR HONOR. IF IT PLEASE THE
24 COURT, YOUR HONOR, I WOULD JUST BRIEFLY ASK, BECAUSE WE
25 WENT STRAIGHT FROM ARGUMENTS INTO CHARGE, I HAD NOT MADE MY

1 MOTION FOR A MISTRIAL BASED UPON MY SAME OBJECTIONS
2 BEGINNING WITH MR. CATHCART'S OPENING.

3 I WOULD SIMPLY ASK THE COURT FOR A RULING, THAT THAT
4 WOULD BE A CONTEMPORANEOUS MOTION FOR MY OBJECTION.

5 THE COURT: ALL RIGHT. IT WAS MADE AND WOULD BE
6 DENIED. YES.

7 MS. MOBLEY: THANK YOU.

8 THE COURT: ALL RIGHT. ANYTHING FURTHER?

9 MS. MOBLEY: I DON'T BELIEVE SO.

10 THE COURT: ALL RIGHT. THOSE CAN BE DELIVERED TO THE
11 JURY AND WE'LL STAND IN RECESS UNTIL WE HEAR FROM THE JURY.

12 MR. CATHCART: WE STILL HAVEN'T GOT THE STIPULATION.

13 THE COURT: OH, WE DO NEED TO -- YES, LET'S WAIT ON
14 THE STIPULATION. LET'S WAIT ON THAT, BE SURE IT GETS
15 SIGNED, AND SENT BACK.

16 (PAUSE.)

17 THE COURT: YOU ALL BOTH SIGNED IT, YOU'RE OKAY WITH
18 IT?

19 MR. CATHCART: YES, SIR.

20 MS. MOBLEY: YES, SIR.

21 THE COURT: ALL RIGHT. LET ME JUST READ INTO THE
22 RECORD THAT THE STATE AND THE DEFENSE HAVE STIPULATED IN A
23 WRITTEN STIPULATION THAT THE DEFENDANT, TERRANCE ADAMS, WAS
24 CONVICTED IN CAUSE NO. 93-GS-40-9516 OF THE OFFENSE OF
25 BURGLARY SECOND DEGREE ON JANUARY THE 8TH, 1997. AND THE

STATE V TERRANCE ADAMS

1 DEFENDANT, TERRANCE ADAMS, WAS CONVICTED IN CAUSE NO. 93-
2 GS-40-9530 OF THE OFFENSE OF BURGLARY SECOND DEGREE ON JULY
3 12, 1995, SIGNED BY BOTH PARTIES. THAT STIPULATION IS A
4 PART OF THE RECORD AND WILL BE PRESENTED WITH THE OTHER
5 DOCUMENTS.

6 WE NEED TO HAVE THIS MARKED AS A COURT EXHIBIT, BUT IT
7 WILL GO BACK TO THE JURY. IT'S SORT OF UNUSUAL TO DO THAT,
8 BUT WE'LL DO THAT.

9 MS. MOBLEY: YES, SIR.

10 (STIPULATION PERTAINING TO STATE'S EXHIBIT NOS. 42 AND
11 43, 1 PAGE, MARKED FOR IDENTIFICATION AS COURT'S EXHIBIT
12 NO. 1.)

13 THE COURT: AND THAT'S EVERYTHING ON THE RECORD; IS
14 THAT RIGHT?

15 (NO RESPONSE.)

16 THE COURT: ALL RIGHT. WE WILL RECESS UNTIL WE HEAR
17 FROM THE JURY.

18 (THE VERDICT FORMS AND EXHIBITS WERE SENT TO THE JURY
19 AT 12:41 P.M.)

20 (THE COURT IS AT EASE AWAITING A VERDICT OF THE JURY.

21 THE COURT: ALL RIGHT. I'VE BEEN ADVISED THAT THE
22 JURY HAS REACHED A VERDICT. OF COURSE, I HAVE NO IDEA WHA
23 IT MIGHT BE, BUT I CANNOT TOLERATE ANY EMOTIONAL OUTBURST
24 WHEN THE VERDICT IS READ.

25 LET'S BRING THE JURY IN PLEASE.

STATE V. TERRANCE ADAMS

EXHIBIT # 14

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS

The State)
-vs-)

**NOTICE OF INTENTION TO SEEK A
SENTENCE OF LIFE WITHOUT PAROLE**

TERRANCE ADAMS,)
Defendant.)

Indictment No.: 2005-GS-40-3548 and/or 3940
and/or 3935 and/or 3478 and/or 3477 and/or 4169
Warrant Number: 1971825 and/or 1971883 and/or
1971881 and/or 1971836 and/or 1971837 and/or 1972162

TO: Terrance Adams, Defendant
Lauren Mobley, Esquire, Attorney for the Defendant

PLEASE TAKE NOTICE that upon conviction (trial or guilty plea) of the above-entitled action to be scheduled on a date at least ten (10) days hence, of which you will be timely notified, the State will seek a sentence of life imprisonment without the possibility of parole, pursuant to South Carolina Code of Laws, Section 17-25-45 (1995), as amended. The State intends to rely upon the following prior conviction (s) of the defendant to statutorily enhance his/her punishment: January 8, 1997 conviction for Burglary 1st Degree contained in Indictment number 1993-GS-40-09519 and/or January 8, 1997 conviction for Burglary 1st degree contained in Indictment number 1993-GS-40-9520 and/or January 8, 1997 conviction for Burglary 1st Degree contained in Indictment number 1993-GS-40-09529 and/or January 8, 1997 conviction for Burglary 1st degree contained in Indictment number 1993-GS-40-9528.

W. Barney Giese
W. Barney Giese
Solicitor
Fifth Judicial Circuit
1/9/06

Columbia, South Carolina
This 7th day of January, 2006

NOTED
1 TRGS COPY

[Handwritten signature]