

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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AUG 19 2015

Certiorari to the Court of Appeals
Appeal from Edgefield County
Court of Common Pleas
William P. Keesley, Circuit Court Judge

S.C. SUPREME COURT

Opinion No. 2015-UP-174 (S.C. Ct. App. filed April 1, 2015)

Appellate Case No. 2015-001342

TOMMY S. ADAMS, #311901 Respondent,

v.

STATE OF SOUTH CAROLINA Petitioner.

MOTION TO EXCEED PAGE LIMIT
ON RETURN TO PETITION FOR WRIT OF CERTIORARI

Respondent, Tommy S. Adams, requests authorization to exceed the 25 page limit in his return to the petition for writ of certiorari from the grant of post-conviction relief by the Court of Appeals. In support of this motion, Adams respectfully submits the following:

1. Adams, was convicted in Edgefield County, South Carolina, of lewd acts on a child and criminal sexual conduct with a minor (1st degree). On October 14, 2005, he was sentenced consecutively to the maximum terms of 15 years for lewd acts and 30 years for criminal sexual conduct. The Court of Appeals affirmed.
2. Following post-conviction relief proceedings, Adams appealed. The Court of Appeals

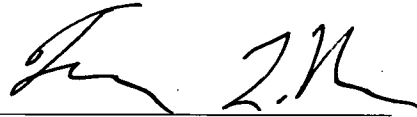
granted review to address the following issues.

- I. Was Adams denied the effective assistance of counsel during trial, in which the state's case relied on uncorroborated testimony of the alleged victim and irrelevant, inadmissible, and prejudicial testimony by a law enforcement officer, due to numerous instances of deficient and prejudicial conduct?
 - A. Failure to object to admission of Adams' statements that were neither relevant nor material to the crimes charged.
 - B. Failure to rebut the state's misrepresentation of the nature of Adams' statement.
 - C. Eliciting testimony from the police investigator that she believed the alleged victim and failing to move for a mistrial.
 - D. Advising Adams not to testify after informing the jury that he would testify, or, alternatively, failing to properly advise Adams at all with respect to whether he should testify.
- II. Was Adams denied the effective assistance of counsel during deliberations because counsel failed to object, failed to request that the jurors and bailiffs be questioned, and failed to request that the jurors be returned to court for proper instructions following improper communications between jurors and the bailiffs?

The Court, in its unpublished opinion, granted relief on Ground I.A. In light of that relief, the Court declined to address the remaining issues.

3. The State petitioned for writ of certiorari on July 6, 2015. In the return filed this day, Adams responds to the State's arguments. Permission to exceed the page limit is necessary, however, because Adams is also compelled to assert the four additional sustaining grounds that the Court of Appeals granted review of, but did not address.

WHEREFORE, Adams requests that this Court grant leave to exceed the page limit and that the Court accept his 32-page Return to Petition for Writ of Certiorari filed contemporaneously herewith.



Teresa L. Norris
Blume Norris & Franklin-Best, LLC
900 Elmwood Avenue, Suite 200
Columbia, South Carolina 29201
(803) 765-1044

Attorney for Respondent

August 17, 2015

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Return to the Petition for Writ of Certiorari and the Motion to Exceed Page Limit has been served upon Respondent's counsel by first class mail, postage prepaid, addressed to counsel of record, J. Walt Whitmire, Post Office Box 11549, Columbia, South Carolina 29211.



TERESA L. NORRIS

Blume Norris & Franklin-Best, LLC
900 Elmwood Avenue, Suite 200
Columbia, S.C. 29201
(803) 765-1044

Counsel for Appellant

August 17, 2015