

Exhibit D

Tommy A. Thomas

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February 25, 2015

Richland County Clerk of Court  
Common Pleas  
1701 Main Street  
Columbia, SC 29201

RE: George M. Adams #181283 v. State of South Carolina

Dear Sir or Madam:

Enclosed please find for filing an original and a copy of an Notice of Motion and Motion to Amend Judgment.

Kindly return a clocked copy to me in the envelope provided. Thank you. Should you have any questions, or need any additional information, please do not hesitate to contact me.

Yours truly,



Tommy A. Thomas,  
Attorney at Law

TAT/jem  
cc: The Honorable L. Casey Manning  
J. Clayton Mitchell, Esq.

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND )

Docket No.: 2013-CP-40-1336

George M. Adams #181283, )  
)  
Applicant, ) NOTICE OF MOTION AND  
vs. ) MOTION TO AMEND JUDGEMENT  
)  
)  
State of South Carolina, )  
)  
Respondent. )  
\_\_\_\_\_ )

PLEASE TAKE NOTICE that the Applicant, through his undersigned attorneys will move before the Honorable L. Casey Manning to alter or amend the judgment entered in this action on February 12, 2015. A copy of the Final Order of Dismissal was received by the undersigned attorneys on February 24, 2015.

COMES NOW the Applicant, by and through his undersigned attorneys, and submits the following grounds in support of his Motion to Alter or Amend the Judgment:

1. The Final Order of Dismissal indicates that the Applicant did not file a Return to Conditional Order of Dismissal.
2. A Return to the Conditional Order of Dismissal was mailed to the Richland County Clerk of Court for filing on April 30, 2014 and clocked in on May 7, 2015.

The State contends that the current application for post-conviction relief filed March 5, 2013 is barred for failure to comply with the Uniform Post-Conviction Procedure Act. The Applicant pleaded guilty to the offense challenge in the current action on September 17, 1991. The State contends that the Applicant was required to file his application on or before July 1, 1997. However, the Applicant, while aware of the circumstances of his plea, was not aware of

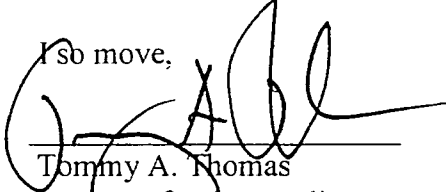
the direct prejudice that resulted from the plea induced by counsel's ineffective assistance until December 2012, when he received the letter from Probation and Parole. Under South Carolina Code 17-27-45(C), the Applicant is required to file the action within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. Upon discovery of the import of the prejudice that resulted from counsel's ineffective assistance, the Applicant promptly filed the current action.

- a. When considering the State's motion for summary dismissal, where no evidentiary hearing has been held, the PCR judge must assume facts presented by the applicant are true and view those facts in the light most favorable to the applicant. *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (citing S.C. Code Ann. § 17-27-80).

The State contends that the Application for Post-Conviction Relief is barred under the doctrine of laches. If the State is affected by any unavailability of evidence due to the period of time between the guilty plea and the filing of the current application, the Applicant is surely impacted equally. The case at hand revolves solely around the importance of the plea and counsel's failure to properly advise. There is no unavailable evidence which would negatively impact the State in this case.

The Applicant is now serving a Life sentence without parole, when he believed for twenty (20) years that he was eligible for parole. The Applicant would respectfully request an evidentiary hearing in the matter.

THEREFORE, based upon the foregoing the Applicant prays that the Court alter or amend the Final Order of Dismissal and that an evidentiary hearing be scheduled.

Isb move,  
  
\_\_\_\_\_  
Tommy A. Thomas  
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February 24, 2015  
Irmo, South Carolina


STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF RICHLAND )

Docket No.: 2013-CP-40-1336

George M. Adams #181283, )  
)  
Applicant, ) CERTIFICATE OF SERVICE  
vs. )  
)  
State of South Carolina, )  
)  
Respondent. )  
\_\_\_\_\_ )

I, Jacquelyn E. Miller, secretary to Tommy A. Thomas, Attorney for the Applicant, hereby certify that I placed in the United States Mail, a copy of a Notice of Motion and Motion to Amend Judgment with postage prepaid and the return address clearly shown on said envelope to J. Clayton Mitchell, Esq. with the Office of the Attorney General at:

J. Clayton Mitchell, Esq.  
Office of the Attorney General  
PCR Division – 5<sup>th</sup> Circuit  
P.O. Box 11549  
Columbia, SC 29211-1549

  
Jacquelyn E. Miller  
Secretary to Tommy A. Thomas  
Attorney for Applicant  
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February 25, 2015