

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

DEC 10 2015

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

S.C. Supreme Court

Honorable Doyet. A. Early, III, Circuit Court Judge

CA No. 05-CP-18-1368
Appellate Case No. 2014-000387

KENNETH SIMMONS, SK5066.....
Petitioner,

v.

STATE OF SOUTH CAROLINA.....
Respondent.

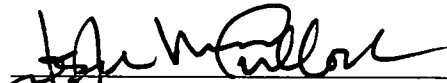
MOTION FOR ADMISSION PRO HAC VICE

Through his undersigned counsel, hereby moves the South Carolina Supreme Court to permit Adam S. Gershenson to practice pro ha vice before the Court in the above captioned matter.

Pursuant to SCACR 404, Mr. Gershenson, together with undersigned counsel has filed a *Verified Application for Admission Pro Hac Vice* with the South Carolina Supreme Court. Attached hereto is a stamped copy of Mr. Gershenson's Verified Application, as it was filed with the Supreme Court.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, the parties request that this motion be granted.

Respectfully submitted this 10th day of December, 2015.



Joseph M. McCulloch, Jr.
Law Offices of Joseph M. McCulloch, Jr.
1426 Richland Street
P.O. Box 11623
Columbia, South Carolina 29211
Tel: 803.779.0005
Fax: 803.779.0666
Email: joe@mccullochlaw.com

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Honorable Doyet. A. Early, III, Circuit Court Judge

CA No. 05-CP-18-1368
Appellate Case No. 2014-000387

KENNETH SIMMONS, SK5066..... *Petitioner,*

v.

STATE OF SOUTH CAROLINA..... *Respondent.*

CERTIFICATE OF SERVICE

The undersigned, Joseph M. McCulloch, Jr., Esquire, does hereby certify that he has served the persons listed below with a copy of the **MOTION FOR ADMISSION PRO HAC VICE** in the above-captioned proceeding by dispatching a copy to them via U.S., Mail or electronic mail at the address listed below on December 10, 2015.

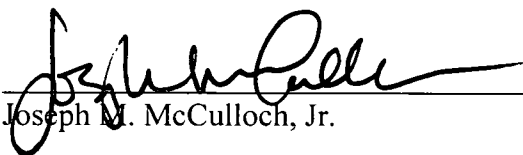
Donald J. Zelenka
Melody Brown
SC Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211

Emily C. Paavola
Death Penalty Resource & Defense Center
900 Elmwood Avenue, Suite 200
Columbia, South Carolina 29201

Jennifer Pavane Kenter, Esq.
Cooley, LLP
500 Boylston Street
Boston, Massachusetts 02116

Adam S. Gershenson, Esq.
Cooley, LLP
500 Boylston Street
Boston, Massachusetts 02116

Lori R. Mason, Esq.
Cooley, LLP
500 Boylston Street
Boston, Massachusetts 02116



Joseph M. McCulloch, Jr.

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

State of South Carolina

Appellate Case No. 2014-000387
CA No. 05-CP-18-1368

South Carolina Supreme Court

Plaintiff

Case No.

Tribunal

vs.

Mailing Address of Tribunal:

Supreme Court of South Carolina

PO Box 11330

Columbia, SC 29211

Kenneth Simmons, SK5066

Defendant

Comes now ADAM S. GERSHENSON, applicant herein, and respectfully represents the following:

1. Applicant resides at:

436 Marlborough Street, Apt. #2

Street Address

Boston

Suffolk

MA

02115

City

County

State

Zip Code

617-818-6624

Telephone

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Cooley LLP, with offices at

500 Boylston Street

Street Address

Boston

Suffolk

MA

02116

City

County

State

Zip Code

617-937-2379

617-818-6624

617-937-2400

agershenson@cooley.com

Primary Telephone

Cell Phone

Fax Number

Email Address

3. Applicant has been retained personally or as a member of the above-named law firm by The Innocence Network to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since May 16 of 2008, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the Commonwealth of Massachusetts where applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:	Date Admitted:
MA	5/16/08
NY	6/28/10
1 st Circuit	11/4/11
9 th Circuit	8/19/08

Court:	Date Admitted:
USDC – D. Mass	12/18/2008

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court date):

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

8. Applicant never has had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked, except as provided below (give particulars, e.g., date, court, administrative body, date of suspension and reinstatement):

9. Local counsel of record associated with applicant in this case is Joseph M. McCulloch, Jr. of the Joseph M. McCulloch, Jr. law firm, which has offices at:

1426 Richland St.

Street Address

Columbia

City

803-779-0005

Primary Telephone

0003760

South Carolina Bar Number

County

South Carolina

State

Fax Number

29211

Zip Code

joe@mccullochlaw.com

Email Address

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 17 day of November, 2015

A handwritten signature in black ink, consisting of stylized initials and a long horizontal stroke extending to the right.

APPLICANT

VERIFICATION

STATE OF MASSACHUSETTS

COUNTY OF SUFFOLK

I, Adam S. Gershenson, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission *pro hac vice*. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear *pro hac vice* in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

ASG

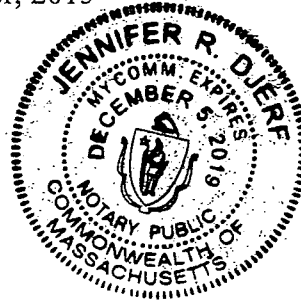
APPLICANT/AFFIANT

Subscribed and sworn to before me this 17th day of November, 2015

Jennifer R. Djerf

Notary Public for the Commonwealth of Massachusetts

My Commission Expires: December 5, 2019



LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 22 day of November, 20 15

Joseph M. Fallick
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by ^{hand} ~~mail~~ addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this November day of 22nd, 20 15

By Joseph M. Fallick
APPLICANT/AFFIANT

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on the **sixteenth** day of **May** A.D. **2008**, said Court being the highest Court of Record in said Commonwealth:

A. Gershenson

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this **seventeenth** day of **November** in the year of our Lord **two thousand and fifteen**.




MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

THIS CHECK IS VOID WITHOUT A BLUE & GREEN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT ANGLE TO VIEW.

Cooley

ATTORNEYS AT LAW
101 California Street, 5th Floor
San Francisco, CA 94111-5800

Operating Account

Wells Fargo Bank, N.A.
San Francisco, CA

Check No.
144082

DATE
11/16/2015

CHECK AMOUNT
\$250.00

VOID AFTER 6 MONTHS

PAY EXACTLY: *Two Hundred Fifty and 00/100 US\$*

TO THE ORDER OF:

South Carolina Supreme Court
123 1/2 Gervais St.
Columbia, SC 29201

Brisah

TWO SIGNATURES REQUIRED OVER \$5,000.00

SIGNATURE HAS A COLORED BACKGROUND - BORDER CONTAINS MICROPRINTING

⑈ 144082⑈ ⑆ 21000248⑆ 4129155206⑈