

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Edgefield County
The Honorable William P. Keesley, Circuit Court Judge

Appellate Case No. 2015-001342

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APR 21 2016
SC SUPREME COURT

Tommy S. Adams,

Respondent,

vs.

STATE OF SOUTH CAROLINA,

Petitioner.

MOTION TO REVOKE APPEAL BOND

Petitioner hereby moves for an order revoking Respondent's appeal bond. This Motion is based on the following:

1. Prior to being released on appeal bond, Respondent was incarcerated with the South Carolina Department of Corrections pursuant to the Edgefield County Clerk of Court's orders of commitment. The Edgefield County Grand Jury indicted the Respondent at the September 2003 term of General Sessions for the commission of a lewd act on a child under the age of sixteen (2003-GS-19-0416); and criminal sexual conduct with a minor – 1st degree (2003-GS-19-0418). James B. Huff, Esquire, represented him. Following trial, Respondent was found guilty on October 14, 2015 on

both charges as indicted. The Honorable John C. Few sentenced him to consecutive sentences of fifteen (15) years for the commission of a lewd act on a child under the age of sixteen, and thirty (30) years for criminal sexual conduct with a minor – 1st degree. Judge Few issued an Order denying Respondent's motion for a new trial on July 10, 2006.

A timely Notice of Appeal was filed and an appeal was perfected. The South Carolina Court of Appeals affirmed Respondent's conviction and sentence. State v. Adams, Op. No. 2006-UP-560 (S.C. Ct. App. filed October 10, 2008). The Remittitur was issued on October 18, 2008.

2. Respondent thereafter filed an application for post-conviction relief on February 23, 2009. The State made its Return on or about July 7, 2009. An evidentiary hearing was convened on December 2, 2010, at the Lexington County Courthouse. Respondent was present at the hearing and was represented by Teresa Norris, Esquire. Petitioner was represented by A. West Lee, of the South Carolina Attorney General's Office. The Honorable William P. Keesley denied post-conviction relief by Order dated September 12, 2011. Petitioner filed timely Notice of Appeal. In an unpublished opinion, the South Carolina court of appeals reversed the PCR judge's order. State v. Adams, Op. No. 2015-UP-174 (S.C. Ct. App. filed April 1, 2015).

3. On or about May 4, 2015, Petitioner made a motion for appeal bond in the court of appeals. Respondent opposed the motion. In an order dated July 9, 2015, the court of appeals remanded the motion to the court of general sessions for Edgefield

County. Thereafter, the Honorable R. Knox McMahon granted Petitioner's motion in an order filed September 3, 2015.¹

4. In an opinion filed April 20, 2016, this Court reversed the court of appeals' decision, thereby reinstating Respondent's convictions and sentences. State v. Adams, 2016 MO-015. Because Respondent had not yet completed his sentence when he was released on appeal bond in 2015, he must be returned to the custody of the South Carolina Department of Corrections in order to serve the remainder of his sentence.

5. Respondent submits that Petitioner stands convicted of the crime of criminal sexual conduct – 1st degree, which is both a violent and most serious offense. Petitioner was also convicted of the commission of lewd acts on a child under the age of sixteen. The victim in this case was the Petitioner's stepdaughter, and the abuse took place over the course of a number of years – starting when she was eight years old. The violent and serious nature of the offense for which Petitioner was convicted should preclude his continued release on bond, as this Court has reversed the PCR court's granting of relief.

6. Petitioner would further submit that Respondent is an increased flight risk now that his convictions have been reinstated. Unless Petitioner prevails in overturning the lower court's order denying his PCR application, he will be required to serve between approximately sixteen and twenty-three more years in prison. Petitioner also notes Respondent's bond was revoked prior to trial for violating a no contact order with the victim's family.

¹ The conditions of Respondent's bond were modified by the Honorable Frank R. Addy, Jr., in an order filed November 20, 2015.

7. Furthermore, Respondent asserts it is unlikely that Petitioner will prevail on appeal. On review, a PCR judge's findings of fact and conclusions of law are entitled to great deference, and must be affirmed if there is any probative evidence in the record to support them. Cherry v. State, 300 S.C. 115, 286 S.E.2d 624 (1989). The State submits it will prevail in having this Court's reversal upheld.

8. Based upon the foregoing, Petitioner requests an order from this Court revoking Respondent's appeal bond, and requiring him to report to the Edgefield County Sheriff's Office for detention and transfer to the South Carolina Department of Corrections within ten days of the date the appeal is remitted to the circuit court.

Respectfully submitted,

ALAN WILSON
Attorney General

PATRICK L. SCHMECKPEPER
Assistant Attorney General
SC Bar #102100

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ATTORNEYS FOR PETITIONER-RESPONDENT

April 21, 2016.

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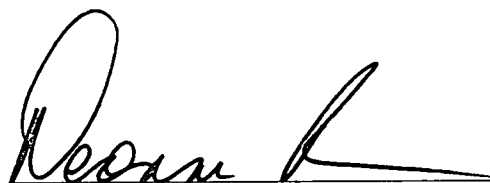
RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Motion to Revoke Appeal Bond, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

**Teresa L. Norris, Esquire
Blume Norris & Franklin-Best LLC
900 Elmwood Ave., Ste. 200
Columbia, SC 29201**

This 21st day of April, 2016



DEONNA ROGERS
LEGAL ASSISTANT