

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIORARI TO THE COURT OF APPEALS  
Appeal from Edgefield County  
Court of Common Pleas  
William P. Keesley, Circuit Court Judge  
\_\_\_\_\_

APR 27 2016

**S.C. SUPREME COURT**

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

\_\_\_\_\_  
Appellate Case No. 2015-001342  
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TOMMY S. ADAMS, #311901 ..... Respondent,

v.

STATE OF SOUTH CAROLINA ..... Petitioner.

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MOTION FOR EXTENSION OF TIME  
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Respondent, Tommy S. Adams, through the undersigned counsel, requests an extension of time of three (3) days in order to file his Response to the State's Motion to Revoke Appeal Bond. The response is currently due on May 2, 2016. Good cause exists for this extension, as follows.

1. Adams, was convicted in Edgefield County, South Carolina, of lewd acts on a child and criminal sexual conduct with a minor (1<sup>st</sup> 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. This Court granted certiorari and reversed the Court of Appeals order and remanded for consideration of the

remaining issues in an unpublished per curiam opinion dated April 20, 2016. The undersigned counsel intends to file a Motion for Rehearing, which is due on May 5, 2016.

4. The State's Motion to Revoke the Appeal Bond was filed on April 21, 2016, and received by the undersigned counsel by mail on April 25, 2016, making the Response due on May 2, 2016. The undersigned counsel requests the additional three days to make the response to the State's motion due contemporaneously with the Motion for Rehearing. Additionally, the additional three days is necessary to allow adequate response, as the undersigned counsel will be out of office with other work on April 26 and with previously planned vacation April 27-May 1.

#### **Conclusion**

Wherefore, for the foregoing reasons, Appellant requests an extension of three (3) days, up to and including May 5, 2016.

Respectfully Submitted,



TERESA L. NORRIS

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Counsel for Mr. Adams

April 25, 2016.

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APR 27 2016

**80 SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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Certiorari to the Court of Appeals  
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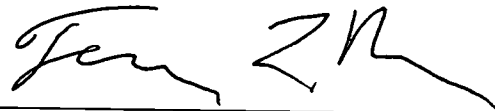
TOMMY S. ADAMS, #311901 ..... Respondent,

v.

STATE OF SOUTH CAROLINA ..... Petitioner.

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CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a copy of the Motion for Extension of Time to file the Response to the State's Motion to Revoke Appeal Bond has been served upon Respondent's counsel by first class mail, postage prepaid, addressed to counsel of record, Patrick Schmeckpeper, Post Office Box 11549, Columbia, South Carolina 29211.

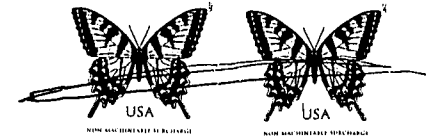


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Counsel for Appellant

April 25, 2016



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The Honorable Daniel E. Shearouse  
Clerk  
South Carolina Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

