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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

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.

OPPOSITION TO MOTION TO REVOKE APPEAL BOND

Tommy Swinson Adams, through the undersigned counsel, herein opposes the State's Motion to Revoke Adams' appeal bond for the following reasons:

1. While the Court of Appeals granted relief on the basis of ineffective assistance of counsel and remanded to the trial court for consideration of an appeal bond, which was granted by the trial court, the State petitioned this Court only to review the Court of Appeals' finding of ineffective assistance of counsel. Thus, any issue related to Adams' appeal bond is not properly

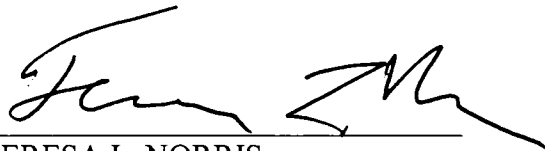
before this Court. *Cf. In re Michael H.*, 360 S.C. 540, 553, 602 S.E.2d 729, 736 (2002) (reviewing appeal bond issues only after the State petitioned for review of the issues).

2. “The factors to be considered in admitting a person to bail pending appeal include the probability of reversal,” among other factors. 360 S.C. at 553, 602 S.E.2d at 736 (2002). As this Court acknowledged in its opinion, Adams raised other issues before the Court of Appeals, which neither the Court of Appeals nor this Court have considered. Thus, it is appropriate for the Court of Appeals to address those issues in the first instance, as well as to consider any issue related to the appeal bond over which the Court of Appeals retained jurisdiction.

Conclusion

Wherefore, for the foregoing reasons, the State’s Motion to Revoke Appeal Bond should be denied.¹

Respectfully Submitted,



TERESA L. NORRIS

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

Counsel for Mr. Adams

May 5, 2016.

¹ While Adams submits this motion should be denied because it is not properly before this Court, it should be noted that Adams is not a flight risk. As a condition of his appeal bond, he wears a GPS monitored tracking device. He has been fully compliant with all conditions set for him in this regard. *See Attachment.*



ICU

Electronic/Satellite Monitoring
INCORPORATED

"ANYWHERE IN THE WORLD"



HOME DETENTION STATUS REPORT

DATE: 4-25-16

RE: Tommy Swinson Adams

To Whom It May Concern:

This letter is to inform you that unless we have made an honest oversight, the above named participant:

HAS BEEN compliant and satisfactory with the leg monitor agreement/conditions set by the court.

Notifies us on a regular basis and pays the leg monitor fee on time.

HAS NOT BEEN compliant or satisfactory with the leg monitor agreement/conditions set by the court by: _____

HAS NOT notified us on a regular basis and/or is delinquent with the leg monitor fee.

We greatly appreciate your time. Please contact our office with any questions.

Thank You,

Barbara Alion

Barbara Alion

ICU Electronic Monitoring

P.S. This report is NOT intended to suggest that the bond be revoked, but merely is an informational notice.

Ned Polk Sr.

Barbara Alion

2230 Dunlap Roddey Rd. – Rock Hill, SC 29730

803-324-4444 office – 803-327-0000 fax – ICU@comporium.net

He has been texting me everyday when he leaves for work & comes home. Also, when he goes to see his lawyer, as well as his work schedule. Has actually been better than any of our other clients.

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v.

STATE OF SOUTH CAROLINA Petitioner.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Petition for Rehearing and a copy of the Opposition to 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.



TERESA L. NORRIS

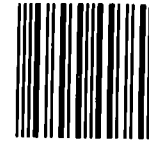
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Counsel for Appellant

May 5, 2016



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The Honorable Daniel E. Shearouse
Clerk
South Carolina Supreme Court
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