

**FORM 1
NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2014-CP-02-02115

State of South Carolina Dept.
of Mental Health,

Respondent,

v.

Roy Wade,

Appellant.

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DEC 04 2019

SC Court of Appeals

NOTICE OF APPEAL

Roy Wade appeals the order of the Honorable Clifton B. Newman dated October 8, 2019. Appellant received written notice of entry of this Order on October 8, 2019. Appellant moved post trial for an Order granting Respondent Judgment non obstante verdicto (JNOV), pursuant to SCRCP, Rule 50(b); for a new trial (in the alternative) in this action, pursuant to SCRCP, Rule 50(b); or for Reconsideration of the Court's ruling to Respondent's Motion for Mistrial, pursuant to SCRCP, Rule 59; all on the grounds the State's only witness testified to facts specifically disallowed by the trial court, i.e. - results of the PPG test. Appellant received written notice of entry of this Order on October 31, 2019.

Dated this 8th day of November, 2019, in Bamberg, South Carolina.

BY: s/ Adam C. Ness
Adam C. Ness, S.C. Bar No. 100707
NESS & JETT, LLC
Attorney for Appellant(s)
P.O. Box 909
Bamberg, SC 29003
(803) 245-5178

Other Counsel of Record:

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1220
CMP
Robert J. [Signature]
C.C.P. & C.S.
Charlea [Signature] Plausse
Deputy Clerk

James G. Bogle, Jr., Esq.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Attorney for Respondent(s)
803-734-1173

STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

CERTIFICATE OF SERVICE

I, the undersigned of the law offices of Ness & Jett, LLC, attorneys for the Appellant(s), hereby certify that I have served all parties in this action with a copy of the document(s) herein below specified by delivering a copy to the persons listed below, to the following address, by the below-indicated method:

Document(s):

1. Notice of Appeal

Persons Served:

James G. Bogle, Jr., Esq.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Attorney for Respondent(s)

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Method(s) of Service:

- hand-delivery
- regular mail **(will go into mail 11/11/19)**
- certified mail
- certified mail, return receipt requested
- certified mail, restricted delivery
- personal service
- other email to jbogle@scag.gov

Dated this 8th day of November, 2019, in Bamberg, South Carolina.

BY: s/ Adam C. Ness
Adam C. Ness
S.C. Bar No. 100707
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†AMERICAN BOARD OF TRIAL ADVOCATES

ALISON DENNIS HOOD
ADAM C. NESS
R. AARON NESS

JULIUS B NESS
1916-1991

December 2, 2019

The Honorable Jenny Abbott Kitchings
S. C. Court of Appeals Clerk of Court
P. O. Box 11629
Columbia, SC 29211-1629

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Re: State v. Wade
2014-CP-02-02115

Dear Ms. Kitchings:

Enclosed is a Notice of Appeal, Certificate of Service, and Order of Continued Commitment dated October 8, 2019, and Order Denying Motion to Reconsider dated October 30, 2019 for filing. The same has been served upon opposing counsel by copy of this letter and is being contemporaneously filed with the Aiken County Clerk of Court, pursuant to Rule 203, SCRAP. Moreover, the same is being served on the Office of Appellate Defense, as this was an appointed case for the purposes of trial only. Please return a clocked copy in the enclosed stamped, self-addressed envelope. The Transcript is being requested contemporaneously.

Sincerely,



Adam C. Ness

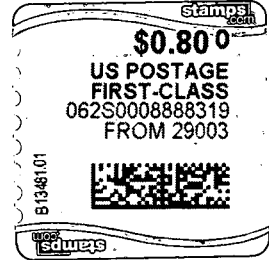
Enclosures: Notice of Appeal
Certificate of Service
Order of Continued Commitment dated 10/8/2019
Order Denying Motion for New Trial dated 10/30/2019

CC: James G. Bogle, Jr., Esq.
&
Office of Appellate Defense

Ness & Jett, LLC
Attorneys at Law
PO Box 909
Bamberg, SC 29003

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The Honorable Jenny Abbott Kitchings
S. C. Court of Appeals Clerk of Court
P. O. Box 11629
Columbia, SC 29211-1629



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