

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Clifton B. Newman, Circuit Court Judge

IN THE MATTER OF ROY LEE WADE (2),

RECEIVED

APPELLANT, MAR 25 2020

SC Court of Appeals

Appellate Case No. 2019-001995

RETURN TO MOTION TO RELIEVE COUNSEL

Undersigned counsel, makes this Return to the Motion of Appellant Roy Lee Wade, to relieve his trial counsel, Adam C. Ness.

1) The Division of Appellate Defense takes no position on the motion of appellant to relieve his trial counsel, Adam Christopher Ness.

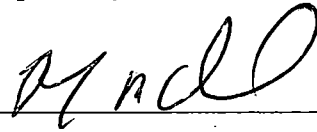
2) However, the position of the Division of Appellate Defense, on handling this annual review SVP appeal was explained in the December 12, 2019 email to trial counsel Ness, and remains the same: "The Division of Appellate Defense does not handle appeals from annual reviews or orders for continued commitment. The Appellate Defense Division, due to limited resources, only handles SVP cases where the defendant is initially found a sexually violent predator and civilly committed."

3) Consequently, regardless of whether trial counsel Adam Ness is relieved or not relieved

by this Court as counsel for appellant, the Division of Appellate Division is unable to handle this appeal of an SVP annual review, due to the lack of necessary resources given its extraordinarily heavy caseload.

WHEREFORE, the Division of Appellate Defense takes no position on appellant's motion to relieve trial counsel Adam C. Ness, but asserts that it cannot assume representation of appellant on appeal in this case regardless of whether that motion is granted or denied by this Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. M. Dudek", is written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

March 25, 2020

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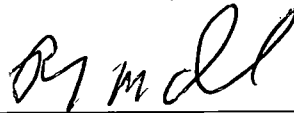
IN THE MATTER OF ROY LEE WADE (2),

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CERTIFICATE OF SERVICE

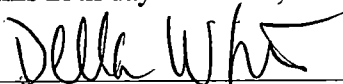
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The undersigned attorney hereby certifies that a true copy of the Return to the Motion to Relieve Counsel in the above-referenced case has been served upon opposing counsel, Deborah R.J. Shupe, Esquire, and James G. Bogle, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, Adam C. Ness, Esquire, at NESS & JETT, LLC, P.O. Box 909, Bamberg, SC 29003, and Roy Lee Wade, at SC SVPTP, Correct Care of South Carolina, LLC, 1700 St. Andrews Terrace, Bldg. A, Columbia, SC 29210, this 25th day of March, 2020.



Robert M. Dudek
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 25th day of March, 2020.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: March 10, 2025.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401

Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330

Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 25, 2020

Mr. Roy Lee Wade c/o The Warden
SC SVPTP
Correct Care of South Carolina, LLC
1700 St. Andrews Terrace, Bldg. A
Columbia, SC 29210

Re: Your case

Dear Mr. Wade:

Enclosed is a copy of the Return to Motion to Relieve Counsel, which we have filed in your case in response to Adam Ness's Motion to be Relieved.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/hek

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 25, 2020

The Honorable Jenny Kitchings
Clerk of Court, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

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MAR 25 2020
SC Court of Appeals

Re: In the Matter of Roy Lee Wade (2), Appellate Case No. 2019-001995

Dear Ms. Kitchings:

Enclosed please find an original copy of the Return to the Motion to Relieve Counsel along with a certificate of service.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/hek

Enclosure

cc: Deborah R.J. Shupe, Esquire
James G. Bogle, Jr., Esquire
Adam C. Ness, Esquire