

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

RECEIVED

Apr 24 2020

SC Court of Appeals

State of South Carolina Dept.  
of Mental Health,

Respondent,

v.

Roy Wade,

Appellant.

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**REPLY TO RETURN TO MOTION TO BE RELIEVED**

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Pursuant to the Court's order dated April 8, 2020, the undersigned counsel replies to the Court's inquiries as follows:

**Inquiry 1. Whether counsel was retained or appointed under Rule 608, SCACR, to represent Appellant before the circuit Court.**

Reply to Inquiry 1. The undersigned counsel was appointed to represent Appellant during his SVP petition pursuant to Rule 608, SCACR, by Judge Early's Amended Order Nunc Pro Tunc dated March 1, 2017. See Exhibit 1.

**Inquiry 2. Whether counsel is exempt for appointment under Rule 608, SCACR.**

Reply to Inquiry 2. The undersigned counsel is not exempt for appointment under Rule 608, SCACR, as applied to Circuit and Family Courts.

Dated this 24<sup>th</sup> day of April, 2020, 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

STATE OF SOUTH CAROLINA )  
 COUNTY OF AIKEN )  
 State Of South Carolina, )  
 Plaintiff(s), )  
 -vs- )  
 Roy Lee Wade, )  
 Defendant(s). )

IN THE COURT OF COMMON PLEAS  
 2nd JUDICIAL CIRCUIT  
 CASE NO.: 2014CP0202115  
 APPOINTMENT OF COUNSEL OR GAL  
 (Select one.)

ORDER  
 AMENDED ORDER NUNC PRO TUNC

TYPE OF CASE/PROCEEDING: (Check one.)

- Post-Conviction Relief (PCR)/habeas case     Adoption     Juvenile  
 SVP case     Custody and/or Visitation     Abuse and Neglect  
 Minor Name Change     Other: Sexual Predator 510

It appears Roy Lee Wade, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel has not yet been appointed by the court; therefore, an appointment for counsel is necessary.  
 counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:  
 counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.  
 court appointed counsel has obtained , Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.  
 Other: .

Therefore, it is ordered that Adam Ness hereby is appointed as (Select one.)

counsel     lead counsel (if capital PCR case)     guardian ad litem  
 for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED  
 February 24, 2017 DAE  
 March 1, 2017

  
 Circuit Judge     Clerk of Court

Plaintiff Attorney:

James G. Bogle Jr.	
PO Box 11549	
Columbia, SC 29211	

Defendant Attorney:

Adam Ness	
PO Box 909	
Bamberg SC 29003	

*FILED*  
*3. 2. 17*  
*Adam Ness*  
*CCJ & G.S.*  
*Archie Knowles*  
*Deputy Clerk*

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at [www.sccid.sc.gov](http://www.sccid.sc.gov), and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.