

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Clifton B. Newman, Circuit Court Judge

MAY 20 2020

SC Court of Appeals

Case No. 2014-CP-02-02115

State of South Carolina Dept.
of Mental Health,

Respondent,

v.

Roy Wade,

Appellant.

REPLY TO RETURN TO MOTION TO BE RELIEVED

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 24th 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.)
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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.)

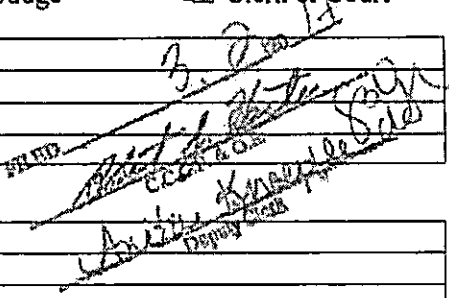
counsel lead counsel (if capital PCR case) guardian ad litem
 for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(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	

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, 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.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF BAMBERG)

CERTIFICATE OF SERVICE **MAY 20 2020**

SC Court of Appeals

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. Reply to Return to Motion to Be Relieved as Counsel

Persons Served:

Deborah R. J. Shupe, Esq.
Office of the Attorney General
Service accepted on 4/24/2020 at 3:32pm, via email (dshupe@scag.gov)
Attorney for Respondent(s)

Jenny Kitchings
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

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

Robert Michael Dudek
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211

Method(s) of Service:

- hand-delivery
- regular mail
- certified mail
- certified mail, return receipt requested
- certified mail, restricted delivery

Allen
1 of 2

personal service
 other email to dshupe@scac.gov

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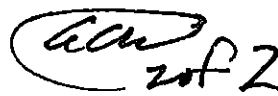
MAY 20 2020

Dated this 19th day of May, 2020, in Bamberg, South Carolina

SC Court of Appeals

BY: 

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


2 of 2

NESS & JETT, LLC
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P.O. BOX 909
BAMBERG, SOUTH CAROLINA 29003

RICHARD B. NESS†*
NORMA A. T. JETT*

*CERTIFIED CIRCUIT COURT MEDIATOR
†AMERICAN BOARD OF TRIAL ADVOCATES

ALISON DENNIS HOOD
ADAM C. NESS
R. AARON NESS

2878 MAIN HIGHWAY
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Telecopier 803/245-5384

JULIUS B. NESS
1916-1991

May 18, 2020

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MAY 20 2020

SC Court of Appeals

Deborah R. J. Shupe, Esq.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Via Email: dshupe@scag.gov)

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P. O. Box 11589
Columbia, SC 29211

Re: State of South Carolina Dept. of Mental Health v. Roy Wade
Case No. 2014-CP-02-02115

Dear Ladies and Gentlemen:

Please find enclosed, and hereby served upon you, a Reply to Return to Motion to be Relieved, as well as Certificate of Service regarding the above.

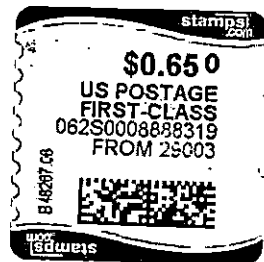
Sincerely,


Adam C. Ness

ACN:dlh
Enclosures

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

COLUMBIA
SC 290
19 MAY '20
PM 2 L



Jenny Kitchings
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

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