

October 31, 2022

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S.C. SUPREME COURT

The Honorable Patricia A. Howard
Clerk of Court
South Carolina Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

RE: *State v. John Richard Wood*
Appellate No. 2002-022661

Dear Ms. Howard,

John Richard Wood is a death-sentenced inmate whose execution was stayed pending the resolution of his federal habeas proceedings. Today, the Supreme Court of the United States denied certiorari on his federal habeas appeal (No. 22-2476), completing his federal habeas review. As a result, the question of his competency to be executed is now ripe. *See Singleton v. State*, 313 S.C. 75, 437 S.E.2d 53 (1993).

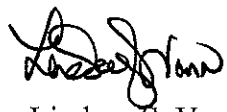
Based on his counsel's observations, a psychologist's findings, and records from the South Carolina Department of Corrections, Mr. Wood appears to be incompetent to be executed. Accordingly, today, counsel for Mr. Wood filed a post-conviction relief application in the Greenville Court of Common Pleas raising the issue of his competency to be executed. The application and psychologist Dr. Susan Knight's letter regarding competency are attached to this letter. To allow for litigation of Mr. Wood's application for post-conviction relief, I request this Court assign a judge to oversee the capital post-conviction proceedings.

Additionally, due to the now-pending application for post-conviction relief and the ongoing litigation in this Court related to the constitutionality of South Carolina's execution methods statute, *Owens v. Stirling*, No. 2022-001280, exceptional circumstances weigh against setting an execution date for Mr. Wood at this time. *See In re Stays of Executions in Capital Cases*, 321 S.C. 544, 548, 471 S.E.2d 140, 142 (1996); Administrative Order, *Owens v. Stirling*, 2021-CP-40-02306 (directing the Clerk of the Supreme Court "not to issue a notice of execution for . . . Owens prior to the resolution of this action [the *Owens* litigation challenging the constitutionality of the execution methods statute]"). This Court should not issue an execution notice for Mr. Wood

pending the resolution of both cases.

Should you need any further information, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsey S. Vann". The signature is fluid and cursive, with the first name being the most prominent.

Lindsey S. Vann

cc: Don Zelenka, Esq. (via email)
Melody Jane Brown, Esq. (via email)