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Oct 31 2022

S.C. SUPREME COURT

October 31, 2022

The Honorable Paul B. Wickensimer
Clerk of Court
Greenville County Courthouse
305 E. North Street
Greenville, SC 29601

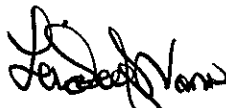
RE: *John Richard Wood v. State of South Carolina*

Dear Mr. Wickensimer,

Please find enclosed for filing, with a certificate of service, the original and one copy of the John Wood's Application for Post-Conviction Relief. Please clock-in the extra copies and return them to me in the enclosed self-addressed stamped envelope.

If you should have any questions, please do not hesitate to contact this office.

Sincerely,



Lindsey S. Wann

cc: Don Zelenka, Esq.
Melody Jane Brown, Esq.
The Honorable Patricia A. Howard, Clerk of the Supreme Court of South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
JOHN RICHARD WOOD)
Applicant,)
v.)
THE STATE OF SOUTH CAROLINA.)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS

Case No.: _____

APPLICATION
FOR POST-CONVICTION RELIEF

1. Place of Detention: Broad River Correctional Institution – Secure Facility, Columbia, South Carolina.
2. Sentencing court: Greenville County Court of General Sessions located in Greenville, S.C.
3. Names of co-defendants (if any): Karen McCall.
4. The indictment number or numbers upon which and the offense or offenses for which sentence was imposed:

2001-GS-23-3106: murder; possession of a weapon during the commission of or attempted commission of a violent crime.
5. The date upon which sentence was imposed and the terms of the sentence:

A death sentence was imposed on February 16, 2002.
6. A finding of guilty was made after a plea of not guilty.
7. The applicant did appeal from judgment of conviction and sentence.
8. Applicant appealed to the South Carolina Supreme Court, which affirmed. *State v. Wood*, 362 S.C. 135, 607 S.E.2d 57 (2004). Applicant filed a petition for writ of certiorari to the United States Supreme Court, which was denied. 125 S. Ct. 2942 (June 20, 2005).
9. Not applicable.

10 & 11.

GROUNDNS FOR RELIEF WITH SUPPORTING FACTS

10 & 11(a)

Applicant's death sentence violates the Eighth Amendment to the United States Constitution and the corresponding provisions of the South Carolina Constitution because: (1) he is unable to rationally and/or factually understand the nature of the proceedings, what he was tried for, the reason for his punishment, or the nature of the punishment; and, (2) he lacks sufficient capacity or ability to rationally communicate with counsel. *Singleton v. State*, 313 S.C. 75, 84, 437 S.E.2d 53, 58 (1993). Applicant has significant and persistent serious mental illness, delusions and psychosis. He has been involuntarily hospitalized at Gilliam Psychiatric Hospital on multiple occasions, where he was diagnosed with schizophrenia. Dr. Susan Knight, a forensic psychologist, evaluated Applicant on four occasions from June 2013 to January 2016, and found his mental state "significantly decompensated" over this period of time. See September 19, 2022 letter from Dr. Knight, attached as Exhibit A. Dr. Knight concluded:

Although a full competency evaluation has not been conducted to date, Mr. Woods exhibits symptoms concerning for competency. He has been unable to engage in rational case discussion due to significant thought disorganization; and his psychosis (e.g., delusions) have merged with case material, legal procedure and penalty. Thus, at the time of my contacts, he did not appear to have a rational or factual understanding of his present legal circumstance; nor the ability to rationally communicate with counsel. Given my observations, I recommend that his legal team pursue a comprehensive competency to be executed evaluation.

Id. Multiple mental health professionals employed by the South Carolina Department of Corrections and the Gilliam Psychiatric Hospital (including psychiatrists, psychologists and therapists) have documented similar observations about Applicant's mental state over the years. For example, the following represents merely a small sampling of staff notations:

- Applicant "stated that the Supreme Court of the U.S. overturned his case and he is waiting to be released."
- "He said the Supreme Court said he was supposed to be released from prison back in December."
- "He said he will get a shave and a haircut when he is released from SCDC. His room is disorganized and there is some trash on the floor. Inmate talks a lot about the court system and the Constitution. He said he has been found innocent and should be released from death row and prison fairly soon. He said U.S. Marshalls will release him and arrest most SCDC staff in the next week or two. Inmate is delusional."
- "Basically he states the U.S. Supreme Court ruled him innocent of this death

penalty conviction 10 months ago. He states the State of SC does not recognize the power of the U.S. Supreme Court. He believes he is being poisoned because he was able to prove the S.C. Supreme Court Justices and S.C. Attorney General Alan Wilson have committed treason and had been sentenced to death.”

- “He is grandiose, claims to be a U.S Ranger and a 300 year old immortal who ‘walks the spiritual realm.’ As an immortal, he has been given two glands, ‘melanoma and methanoma’ which are near his thyroid and make him immune to poisons. He also believes spells are being put on him.”
- “He continues to be delusional, believes his death sentence penalty has been overturned. . . . Says it would make little sense for him to try to kill himself because he was pardoned by the Supreme Court. He lacks insight into his illness in that he does not believe he is ill or that he needs medication. Psychotic symptoms are significant.”
- “He stated that he did not need medications as he was about to be released from prison. He indicated that the U.S. Marshals are coming this week to get him and that he will be free. He insists this to be true.”
- “He states he did not want to come see me because he does not want to be labeled insane because he should be released from SCDC. This is a chronic delusion.”
- “He stated that he was waiting for the U.S. Marshals to come pick him up as his case has been overturned by the USSC (this is one of his delusions).”
- “He stated, ‘I am only here for a couple of days and then I will be going home.’”
- “Mr. Wood has a clear history of serious and persistent mental illness (psychotic disorder).”
- “He said his appeals are complete and he ‘won, but the State is refusing to release me.’ He said he successfully sued the State for a million dollars and he hopes to collect that money soon. . . . He is delusional and believes he has been released from prison.”

As of this date, Applicant has been involuntarily committed to the psychiatric hospital on at least three occasions – a step that requires a probate court finding of serious mental illness by clear and convincing evidence. Applicant continues to experience delusions and psychosis, he is often out of touch with reality, and he is unable to rationally communicate with his counsel. He is therefore not competent to be executed. U.S. Const. amnd. VIII; S.C. Const. art. I, § 15; *Ford v. Wainwright*, 477 U.S. 399 (1986); *Panetti v. Quarterman*, 551 U.S. 930 (2007); *Singleton v. State*, 313 S.C. 75, 84, 437 S.E.2d 53, 58 (1993).

12. Applicant has filed a mandatory appeal to the State Supreme Court, an application for post-conviction relief to the Greenville County Court of General Sessions, and an appeal of the denial of his application for post-conviction relief to the State Supreme Court. Applicant has filed a petition for a writ of habeas corpus in federal court. He has also filed a second-

in-time application for post-conviction relief in the Greenville County Court of General Sessions, which was dismissed on procedural grounds.

13. All prior requested relief has been denied.
14. The ground set forth above has not been previously presented to this or any other court, state or federal.
15. Not Applicable.
16. This ground has not been previously presented because it was not ripe until Applicant's execution became imminent. *See Singleton*, 313 S.C. at 87; 437 S.E.2d at 60 ("Upon the issuance of an Order for Execution by this Court, the defendant or his/her guardian may apply for subsequent Post Conviction Relief on the basis of competency, pursuant to S.C Code Ann. § 17-27-20(a)(6) (1985). At the evidentiary hearing, the applicant, through competent evidence or expert testimony, must show by a preponderance of the evidence that he or she lacks the requisite competency for execution.").
17. Applicant was previously represented by counsel.
18. Applicant was represented at trial by John Mauldin, Jim Bannister and Rodney Richey. He was represented on direct appeal by Robert Dudek. Applicant was represented in his initial PCR proceeding by Bill Godfrey and Jim Brown. He was represented in federal habeas proceedings and in a second-in-time state PCR proceeding by Elizabeth Franklin-Best and Emily C. Paavola.
19. Applicant seeks an order from this Court finding him incompetent to be executed.
20. Applicant is under other sentences.

Respectfully submitted,

Emily C. Paavola
Lindsey S. Vann
Justice 360
900 Elmwood Ave., Suite 200
Columbia, SC 29201
Emily@justice360sc.org
Lindsey@justice360sc.org
(803) 765-1044

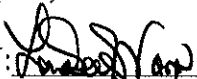
BY: 
October 31, 2022.

Exhibit A

Susan C. Knight, Ph.D., ABPP
Licensed Clinical Psychologist
Board-Certified Forensic Psychologist
knight@apsforensic.com

Applied Psychological Services, LLC
1941 Savage Rd., Ste. 100A-606
Charleston, South Carolina, 29407
(843) 637-5729- Phone; (843) 410-2802-Fax

September 19, 2022

Emily Paavola, Esq.
Justice 360
900 Elmwood Ave #200
Columbia, SC 29201

Examinee: WOOD, John

DOB: April 8, 1967

Case: *State of South Carolina vs. John Richard Wood*

Dates of Evaluation: June 17, 2013; July 5, 2013 [Attempted]; October 7, 2014 [Attempted];
October 29, 2014; and January 13, 2016

Re: Competency Concerns

Dear Ms. Paavola:

Please find this letter regarding my concerns regarding Mr. Wood's competency to be executed pursuant to *Singleton v. State*, 437 S.E. 2d 53 (1993). I have evaluated Mr. Wood on four occasions, and two attempted occasions, beginning in June 2013, to January 2016. Evaluations were conducted to assess present mental state. During Mr. Wood's initial evaluation on June 17, 2013, he was evaluated at Lieber Correctional Institution. He presented as cooperative, but significantly disorganized in thought and speech. He perseverated on bizarre conspiracies involving his lineage and the government's role in his life. Rational communication was not possible, due to repeated injection of delusional material into case discussion. He was also significantly underweight due to beliefs others were poisoning him, and thus, restricting his food intake.

For the next two evaluation appointments, on July 5, 2013, and October 7, 2014, Mr. Wood refused to leave his cell for the visit. By all available data, he believed others were poisoning him, including his attorneys and other visitors, and therefore, declined to meet.

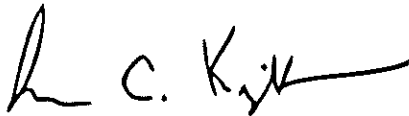
Due to his refusals, he was next seen at the Spartanburg County Courthouse, on October 29, 2014. He presented in much the same manner as in 2013, with rambling, disorganized speech, odd affect, and espousing bizarre content. He was unable to describe the nature or purpose of the immediate preceding hearing, responding with disjointed statements in a 'word salad' fashion. Rational or, even coherent, communication was not possible. My last contact with Mr. Wood occurred on January 13, 2016, at the Lexington County Courthouse. He was thin, malodorous, agitated, loud, and completely disorganized. He perseverated on being poisoned by multiple individuals and agencies. Meetings with him prior to, and immediately after, the court hearing were held. He was unable to engage in rational discussion regarding his case, the hearing, or any other topic. His verbalizations had deteriorated to random utterances, with words that were bizarre and disjointed, and again displaying 'word salad.' Thus, from my first contact in 2013, to the last contact in 2016, Mr. Wood had significantly decompensated with regard to mental state.

In reviewing his correctional records through October 2017, Mr. Wood was psychiatrically hospitalized at Gilliam Psychiatric Hospital in March 2016 and returned to Lieber in July 2016. He was diagnosed with Schizophrenia. It is my understanding from our communication that he has had multiple, subsequent admissions to Gilliam post July 2016.

Although a full competency evaluation has not been conducted to date, Mr. Woods exhibits symptoms concerning for competency. He has been unable to engage in rational case discussion due to significant thought disorganization; and his psychosis (e.g., delusions) have merged with case material, legal procedure and penalty. Thus, at the time of my contacts, he did not appear to have a rational or factual understanding of his present legal circumstance; nor the ability to rationally communicate with counsel. Given my observations, I recommend that his legal team pursue a comprehensive competency to be executed evaluation.

Please do not hesitate to contact me with any further questions or concerns regarding Mr. Wood's case. I can be reached at (843) 637-5729 or via email at knight@apsforensic.com.

Sincerely,



Susan C. Knight, Ph.D., ABPP
Licensed Clinical Psychologist
Board-Certified Forensic Psychologist

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
JOHN RICHARD WOOD)
Applicant,)
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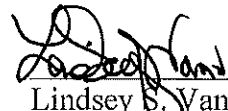
IN THE COURT OF COMMON PLEAS

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Application for Post-Conviction Relief was served on counsel at the Office of the Attorney General by email to the AIS email addresses, pursuant to Section (b) of the Supreme Court of South Carolina's May 6, 2022 Order, this 31st day of October, 2022, upon the following:

Don Zelenka, dzelenka@scag.gov
Melody Brown, mbrown@scag.gov



Lindsey S. Vann