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Apr 13 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS

JOHN RICHARD WOOD, )  
 )  
Applicant )

C/A 2022-CP-23-06219  
\*CAPITAL CASE\*

vs )

STATE OF SOUTH CAROLINA, )  
 )  
Respondent. )

CONSENT ORDER GRANTING  
MOTION TO STAY PROCEEDINGS

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Paul Wickensimer CDD GUL SC

Applicant, John Richard Wood, filed the captioned post-conviction relief (PCR) action on November 14, 2022. In the action, Applicant challenges only his competency to be executed. Such a challenge does not become ripe until “execution is imminent.” *See, e.g., Stewart v. Martinez-Villareal*, 523 U.S. 637, 644–45 (1998). Having exhausted his ordinarily available state and federal remedies, and Applicant’s death sentence having been upheld, a notice of execution would normally be imminent. S. C. Code § 17-25-370; *In re Stays of Execution in Cap. Cases*, 321 S.C. 544, 545, 471 S.E.2d 140, 141 (1996). This action has been proceeding toward evaluations and an evidentiary hearing to make the required determination. *See generally Singleton v. State*, 313 S.C. 75, 84, 437 S.E.2d 53, 58 (1993) (setting out “the appropriate test in South Carolina” for determining competency to be executed).

However, the court has been advised of the pending litigation in *Owens v. Stirling* regarding the execution methods statute. In that action, four death-sentenced inmates have challenged the amended methods of execution statute and the constitutionality of electrocution and firing squad as methods of execution. They generally prevailed at the circuit court level (apart from a discovery-related issue), but, on appeal, the Supreme Court of South Carolina remanded for additional proceedings. *Owens v. Stirling*, 438 S.C. 352, 361, 882 S.E.2d 858, 863 (2023), *reh’g*

denied (Feb. 9, 2023). That continuing litigation may affect either the issuance of a notice or at the least the timing of such notice. Consequently, the litigation has the potential of affecting the appropriate timing of the anticipated evaluations to properly determine Applicant's mental state for purposes of execution.

On March 16, 2023, the Supreme Court of South Carolina granted a motion that requested a stay of the remand proceedings "until the South Carolina General Assembly adjourns its regular session on May 11, 2023, or until a party moves to lift the stay." (March 16, 2023 Order, Appellate Case No. 2022-001280). Consequently, Respondent moves with the consent of opposing counsel to stay these proceedings through June 1, 2023, at which time the matter will be reconsidered in light of developments in the *Owens v. Stirling* litigation.

Based on the foregoing, the court agrees, and the motion is granted. All proceedings in the captioned matter are stayed **through June 1, 2023**.

IT IS SO ORDERED this 6<sup>th</sup> day of April, 2023.

Sprubsky, South Carolina

  
Grace Gilchrist Knic  
Circuit Court Judge by Special Assignment

THE PARTIES SO CONSENT:

*S/Emily C. Paavola*

\_\_\_\_\_  
COUNSEL FOR APPLICANT

*S/Melody J. Brown*

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COUNSEL FOR RESPONDENT

John Wood v State  
2022CP2306219

# The Supreme Court of South Carolina

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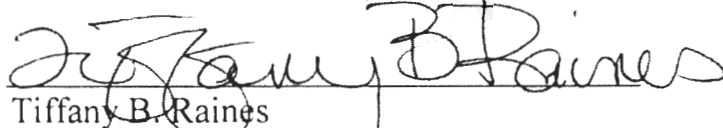
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Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the Honorable Grace Gilchrist Knie be vested with jurisdiction to hear and dispose of Capital Post-Conviction Relief matters for the Thirteenth Judicial Circuit for the day of February 24, 2023. This jurisdiction is concurrent with her assignment to the nonjury term of the Court of General Sessions for the Seventh Judicial Circuit for the week of February 20, 2023, which is otherwise unaffected by this Order.

DONALD W. BEATTY, CHIEF JUSTICE



By: Tiffany B. Raines

Deputy Director, Court Services  
S.C. Court Administration

Columbia, South Carolina  
February 27, 2023