

August 22, 2023

Ms. Brenda F. Shealy
Chief Deputy Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re: *John Richard Wood v. State of South Carolina*
No. 2022-CP-23-06219

Dear Ms. Shealy:

On November 17, 2002, the South Carolina Supreme Court issued an order granting Mr. Wood's request for a stay of execution while he pursues a second PCR action raising a claim that he is incompetent to be executed. That order provides:

Appellant has filed a second PCR application in the circuit court alleging he is incompetent to be executed pursuant to *Ford v. Wainwright*, 477 U.S. 399, 410 (1986) (holding the Eighth Amendment prohibits the State from inflicting the penalty of death on a prisoner who is insane). Pursuant to *In re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (1996), Appellant would be entitled to a stay of execution while he pursues this PCR action. Accordingly, we direct the Clerk of Court not to issue a notice of execution and allow the PCR matter to proceed as set forth in *In re Stays of Execution in Capital Cases*.

Wood v. State, Appellate Case No. 2002-022661 (Nov. 17, 2022).

On August 18, 2023, we received your email stating that the stay of execution has now expired. We believe the Court's November 17th order granted a stay of execution for the duration of the PCR action, which remains pending. *See id.* (stating Appellant is entitled to a stay "while he pursues his PCR action," and directing "the Clerk of Court not to issue a notice of execution and allow the PCR matter to proceed"). This would be consistent with *In re Stays of Execution in Capital Cases*, as well as the normal practice in capital PCRs. If we are mistaken in our interpretation of the Order, we respectfully request that you treat this letter as a second motion for a stay of execution until Mr. Wood's PCR action has concluded.

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If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely yours,



Emily C. Paavola

cc: Hon. Patricia Howard
Melody Brown, Esq.
Hon. Grace Knie
Lindsey Vann, Esq.
Allison Franz, Esq.

JUSTICE (360)

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