

March 27, 2025

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

**RECEIVED**

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**S.C. SUPREME COURT**

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

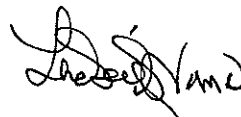
Dear Ms. Howard:

Pursuant to *In re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (1996), the Court's order dated November 17, 2022, and a request for a status update from the Clerk's Office today, I am writing to report on the status of the above-referenced capital post-conviction relief case.

On March 10, 2025, Judge Knie issued an Order for Competency to be Executed Evaluation Pursuant to *Singleton v. State*. A copy of this order is attached to this Status Letter. The evaluation order requires counsel for the State and for Mr. Wood to provide all relevant materials to the Department of Mental Health ("DMH") by May 1, 2025. This includes evaluation reports from the experts retained by counsel for Mr. Wood. The Order further requires DMH to conduct an examination of Mr. Wood no later than 60 days after receipt of all materials from the parties. A written report from DMH must then be submitted to the circuit court as soon as practicable, but no later than 30 days after the examination of Mr. Wood. Following the evaluation, the circuit court intends to conduct an evidentiary hearing on the issue of Mr. Wood's competency.

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

Sincerely yours,



Lindsey S. Vann

cc: Melody Brown, Esq. (via email)  
Judge Grace Knie (via email)

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	
 	)	
JOHN RICHARD WOOD,	)	
	)	C/A 2022-CP-23-06219
Applicant	)	*CAPITAL CASE*
	)	
vs	)	ORDER FOR COMPETENCY TO BE
	)	EXECUTED EVALUATION
STATE OF SOUTH CAROLINA,	)	PURSUANT TO <i>SINGLETON v. STATE</i>
	)	
Respondent.	)	
_____	)	

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 JAY GRESHAM CDC CIVL SC

This matter comes before the Court by way of an Order of the Supreme Court of South Carolina dated November 17, 2022, that assigned the captioned capital post-conviction relief (PCR) action to the undersigned. In the action, Applicant challenges only his competency to be executed. At the appointment of counsel hearing held on December 16, 2022, and in its January 30, 2023 return, the State made a request for the appointment of independent designated examiners from the South Carolina Department of Mental Health (DMH) to evaluate Applicant's present competency to be executed. This action, however, had been by consent held in abeyance pending completion of the separate civil action regarding methods of execution given that the separate action effectively stayed notices of execution from being issued. *See Owens v. Stirling*, 443 S.C. 246, 904 S.E.2d 580 (2024), *reh'g denied* (Aug. 16, 2024). Therefore, as execution is now possible, the matter appears to be ripe for consideration. As such, this Court finds that a competency examination is appropriate at this time.

*Standard for Competency to be Executed*

The Supreme Court of the United States has held that the Eighth Amendment bars the execution of an incompetent defendant. *Ford v. Wainwright*, 477 U.S. 399 (1986). In *Panetti v.*

*Quarterman*, the Court addressed the federal standard for determining competency to be executed and concluded that *Ford* requires an inquiry into whether a prisoner possesses a *rational understanding* of the crime, the punishment, and the reason for the punishment (not mere awareness of those facts). 551 U.S. 930, 959 (2007) (“A prisoner’s awareness of the State’s rationale for an execution is not the same as a rational understanding of it.”). A prisoner’s mental state may become “so distorted by mental illness that his awareness of the crime and punishment has little or no relation to the understanding of those concepts shared by the community as a whole.” *Id.* The Court reiterated these principles in *Madison v. Alabama*, which instructed “[w]hat matters is whether a person has the ‘rational understanding’ *Panetti* requires – not whether he has any particular memory or any particular mental illness.” 586 U.S. 265, 275 (2019).

South Carolina law likewise bars the execution of an incompetent prisoner. The South Carolina test to determine competency to be executed is found in *Singleton v State*, 313 S.C. 75, 437 S.E.2d 53(1993). The two-prong test is as follows:

[1] The first prong is the cognitive prong which can be defined as: whether a convicted defendant can understand the nature of the proceedings, what he or she was tried for, the reason for the punishment, or the nature of the punishment.

[2] The second prong is the assistance prong which can be defined as: whether the convicted defendant possesses sufficient capacity or ability to rationally communicate with counsel.

*Singleton*, 313 S.C. at 84, 437 S.E.2d at 58. Failure of either prong is sufficient for a finding of incompetency. *Id.*

Taken together, the federal and state standards require this Court to determine:

- (1) whether Mr. Wood has a *rational understanding* of the nature of the proceedings, what he was tried for, the reasons for the punishment, or the nature of the punishment; and,
- (2) whether Mr. Wood can rationally communicate with counsel.

Following an evaluation, “an evidentiary hearing w[ill] be held at which the inmate w[ill] be required to show by a preponderance of the evidence that he lacks the requisite competency for execution.” *State v. Motts*, 391 S.C. 635, 653, 707 S.E.2d 804, 813 (2011).

THEREFORE, for this Court to assess Applicant’s claim,

IT IS ORDERED that:

A. Applicant shall be examined by two qualified examiners as designated by DMH. The examiners shall determine whether Applicant is competent under the standards set out in *Panetti v. Quarterman*, 551 U.S. 930 (2007), and its progeny, as well as *Singleton v. State*, 313 S.C. 75, 437 S.E.2d 53 (1993).

B. Counsel for the Applicant will provide their expert reports to the designated DMH examiners by May 1, 2025.

C. The designated examiners will require medical records, including specifically mental health records, in evaluating Applicant. The South Carolina Department of Corrections shall provide copies of Applicant’s medical and mental health records to the DMH designated examiners, counsel for Applicant, and counsel for the State, no later than May 1, 2025.

D. The parties are referred to the listing of material generally required for a competency evaluation in general sessions matters as reflected the SCCA 221 form. (Attachment 1). At a minimum, counsel for the State shall provide the following to the designated DMH examiners no later than May 1, 2025:

1. Indictment;
2. Pre-trial DMH evaluation;
3. Trial Transcript Guilt and Sentencing Phases, February 2002;
4. *State v. Wood*, Opinion, Supreme Court of South Carolina,

December 6, 2004;

5. PCR Transcript, March 2007;
6. PCR Order of Dismissal, December 2007;
7. *Wood v. Stirling*, Opinion and Order, District Court of South Carolina, September 9, 2019;
8. *Wood v. Stirling*, Opinion, Fourth Circuit Court of Appeals, March 2, 2022;
9. 2022 PCR application (with attachment).

Counsel for Applicant may submit additional materials by the same May 1, 2025 deadline and must also provide copies of those additional materials to counsel for the State.

The designated examiners may request from either counsel for Applicant or counsel for the State any additional records as may be necessary for completion of their evaluation and report. However, all parties must be copied on the requests, and counsel for both parties must receive copies of the requested materials so that each party has access to all the materials to be considered.

E. Following receipt of the relevant materials, including Applicant's expert reports, on May 1, 2025, the DMH examination may be scheduled. Prior notice to Applicant's appointed counsel, Applicant's guardian, and counsel for the State is required. DMH may contact counsel for Respondent to aid in arranging transportation if necessary. The Applicant's counsel and Applicant's court-appointed guardian may be present at the facility for the DMH evaluation but Applicant's counsel and Applicant's court-appointed guardian do not have the right to attend any clinical interview scheduled pursuant to this Order, nor does defendant have a constitutional right to compel counsel's attendance. State v. Hardy, 283 S.C. 590, 325 S.E.2d 320 (1985). The Court recognizes, however, that circumstances may arise through which the examining agency may request counsel's and/or guardian's attendance to facilitate the examination. The examining

agency may request counsel's and/or guardian's attendance in writing, and their level of participation shall be prescribed by the examining agency's written evaluation protocol.

F. The examination should be conducted as soon as practicable, but no later than 60 days from receipt of all materials. The written reports from the designated examiners shall be provided to the Court, Applicant's counsel, and the State's counsel, as soon as practicable after the evaluations are completed, but no later than 30 days thereafter. A modification of this timeline must be sought by DMH prior to its expiration and will be considered upon a showing of good cause.

IT IS SO ORDERED this 10 day of March, 2025.

Spartanburg, South Carolina

Grace Gilchrist Knie  
Grace Gilchrist Knie  
Circuit Court Judge by Special Assignment

Copy mailed to Attorneys Vagon +  
Parrillo  
Attorney General (MB) Judge Knie  
on 3 / 10 / 2025.