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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

November 7, 2025

The Honorable Patricia A. Howard
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211
(via e-mail only - supctfilings@sccourts.org)

RE: Franklin Dell Hayes v. State – Appellate Case No. 2023-002013

Dear Ms. Howard:

The above-referenced post-conviction relief appeal is currently pending before this Court. Recently, counsel for the State was informed by Petitioner’s counsel, Mr. Gary H. Johnson, that Petitioner had passed away during the pendency of this appeal. Mr. Johnson directed undesigned counsel to Petitioner’s obituary, which confirms that Petitioner died on September 12, 2025.¹ In light of that information, the State respectfully requests this Court dismiss the above-referenced appeal because the petitioner’s death has rendered it moot. *Cf. State v. Miller*, 409 S.C. 312, 312, 762 S.E.2d 394, 394–95 (2014) (dismissing an appeal as moot subsequent to the death of Miller during the pendency of the appeal). Thank you for your attention to this request, and, if you have any questions or concerns, please contact me at (803) 977-0748.

Sincerely,

s/Zachary W. Jones
Zachary W. Jones
Assistant Attorney General
S.C. Bar Number 104174

ZWJ/
Enclosure
cc: Gary H. Johnson, II, Esq. (via e-mail only)

¹ Available at <https://www.wilsonfuneralhomeofnewberry.com/obituary/Franklin-Hayes>.