

THE STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
Timothy Ray Jones, #5289,)
Applicant,)
vs.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

Case No. 2024-CP-32-01312

**ORDER FOR COMPETENCY TO
PROCEEDING IN POST-CONVICTION
PROCEEDINGS EVALUATION
PURSUANT TO *COUNCIL v. CATOE***

This matter comes before the Court by way of the request of Applicant’s counsel in this captioned capital post-conviction relief (PCR) action to the undersigned. On February 12, 2026, this Court held a status conference via WebEx with undersigned counsel. At the status conference, Applicant’s counsel raised ongoing concerns that had been previously discussed with the Court about Applicant’s competency given Applicant’s refusal to meet with counsel, including substitute counsel, and refusal to attend two prior status conferences in this matter. Applicant’s counsel requested a competency evaluation of their client, which the Court will permit.

THEREFORE, for this Court to assess Applicant’s competency in these proceedings, Applicant shall be evaluated by the South Carolina Department of Behavioral Health and Developmental Disabilities Office of Mental Health. Given that Applicant’s current status has already delayed these proceedings, this Court underscores the need for this evaluation to occur as soon as practicable and without unnecessary delay.

IT IS ORDERED that:

- I. Applicant shall be examined by two qualified examiners as designated by SCDBHDD-OMH. The examiners shall determine whether Applicant is competent for these proceedings,

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S.C. SUPREME COURT

assessing Applicant's present ability to consult and cooperate with counsel and make decisions in these proceedings.

- II. The designated examiners will require medical records, including specifically medical and 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 SCDBHDD-OMH designated examiners, counsel for Applicant, and counsel for the State, no later than March 30, 2026.
- III. The parties are referred to the listing of material generally required for a competency evaluation in general sessions matters as reflected in the SCCA 221 form (Attachment 1). At a minimum, counsel for the State shall provide the following to the designated SCDBHDD-OMH examiners no later than March 30, 2026:
 - a. Indictment;
 - b. Pre-trial DMH evaluations;
 - c. Trial Transcript Guilt and Sentencing Phases, April to June 2019;
 - d. *State v. Jones*, Opinion, Supreme Court of South Carolina

Counsel for Applicant may submit additional materials by the same March 30, 2026 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.

- IV. Following receipt of the relevant materials on March 30, 2026, the SCDBHDD-OMH examination may be scheduled. Prior notice to Applicant's appointed counsel and counsel for the State is required. SCDBHDD-OMH may contact counsel to aid in arranging for transportation if necessary. Applicant's counsel and counsel for the State may be present at the facility for the SCDBHDD-OMH evaluation but counsel does not have the right to attend any clinical interview scheduled pursuant to this Order, nor does Applicant 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 attendance to facilitate the examination. The examining agency may request counsel's attendance in writing, and their level of participation shall be prescribed by the examining agency's written evaluation protocol.
- V. 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.

IT IS SO ORDERED.

Date: 2/24/26



Robert E. Hood
Presiding Judge by Assignment of the
South Carolina Supreme Court