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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Honorable Grace G. Knie, Circuit Court Judge

Appellate Case No. 2026-001205

JOHN RICHARD WOOD,..... RESPONDENT,

v.

STATE OF SOUTH CAROLINA,..... PETITIONER.

Petition for Writ of Certiorari

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
QUESTION PRESENTED	1
STATEMENT OF THE CASE.....	2
STANDARD OF REVIEW.....	6
ARGUMENT.....	7
This Court should grant the petition for writ of certiorari because the PCR court erred in declining to order continuing reporting of documents necessary for the State to carry out its obligations as contemplated by <i>Singleton</i>	
CONCLUSION.....	11

TABLE OF AUTHORITIES

Cases

<i>Ford v. Wainwright</i> , 477 U.S. 399 (1986)	8, 9
<i>Goins v. State</i> , 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).....	6
<i>Jordan v. State</i> , 406 S.C. 443, 752 S.E.2d 538 (2013).....	6
<i>Owens v. Stirling</i> , 443 S.C. 246, 904 S.E.2d 580 (2024).....	7
<i>Singleton v. State</i> , 313 S.C. 75, 437 S.E.2d 53 (1993).....	<i>passim</i>
<i>State v. Irick</i> , 320 S.W.3d 284 (Tenn. 2010).....	9, 10
<i>State v. Wood</i> , 362 S.C. 135, 607 S.E.2d 57 (2004).....	2, 3
<i>Van Tran v. State</i> , 6 S.W.3d 257 (Tenn. 1999).....	9
<i>Wood v. South Carolina</i> , 545 U.S. 1132 (2005) (Mem.)	3
<i>Wood v. Stirling</i> , No. 0:12-CV-3532-DCN, 2019 WL 4257167 (D.S.C. Sept. 9, 2019).....	3
<i>Wood v. Stirling</i> , 27 F.4th 269 (4th Cir. 2022)	3
<i>Wood v. Stirling</i> , 143 S. Ct. 382 (2022) (Mem.)	3

Statutes

Ariz. Rev. Stat. Ann. § 13-4023(A) (West)	10
Fla. Stat. Ann. § 922.07(4) (West)	10
S.C. Code Ann. § 44-23-450 (West)	10
S.C. Code Ann. § 62-1-302 (West)	11
S.C. Code Ann. § 62-5-701 (West)	11
S.C. Code Ann. § 62-5-201 (West)	11

Rules

Rule 242(b), SCACR	6
Rule 243, SCACR	6

QUESTION PRESENTED

Did the PCR court err in refusing to order a continuing release of John Richard Wood's medical records and access to guardianship records that would provide the State with transparency about his mental health conditions, given that the PCR court's competency determination has now shifted the burden to the State to demonstrate when and whether Wood has regained competency?

STATEMENT OF THE CASE

Because the issues presented by this case do not relate directly to John Richard Wood's crimes, the State will not dwell on them. This Court explained those events in a previous opinion issued more than 20 years ago.

Trooper Eric Nicholson, while patrolling I-85 in the Greenville area, called to inform the dispatcher that he was going to stop a moped. After Nicholson activated his lights and siren, appellant, who was riding the moped, did not immediately stop. Two other troopers subsequently heard Nicholson scream on the radio and they rushed to the scene whereupon they found Nicholson had been shot five times. The driver's side window of Nicholson's car was completely shattered. Both of his pistols were secured in their holsters. Eight shell casings were found at the scene.

There were several eyewitnesses to Nicholson's murder. Witnesses recalled seeing a moped being followed by a trooper with activated lights and siren. The moped took the off-ramp to leave I-85 and then took a right down a frontage road. As the two vehicles got on the frontage road, the trooper sped up to get beside the moped and then veered to the left to stop at an angle against a raised median in order to block the moped's progress. The moped came to a stop close to the driver's side window.

Immediately upon stopping, appellant stood up over the moped and raised his arm towards the driver's side window of Trooper Nicholson's car. Some witnesses saw a weapon in appellant's hand and heard gunshots. After firing several shots in the driver's side window of Nicholson's car, appellant backed the moped up, turned it around, and fled at a high rate of speed.

After the shooting, some concerned citizens (the Wheelers) chased appellant. Appellant entered a parking lot and then jumped into the passenger's seat of a Jeep, driven by a woman. The Wheelers subsequently called in the tag number to police.

Once law enforcement officers began chasing the Jeep, appellant opened fire on the pursuing officers. One officer was struck in the face by a bullet fragment. He survived the injury. After subsequently hijacking a truck, appellant was eventually stopped and taken into custody.

The jury convicted appellant of murder and possession of a weapon during the commission of a violent crime and sentenced him to death.

State v. Wood, 362 S.C. 135, 137–38, 607 S.E.2d 57, 58 (2004).

Following this Court’s decision to affirm Wood’s sentence, he appealed to the United States Supreme Court. His petition for a writ of certiorari to this Court was denied. *See Wood v. South Carolina*, 545 U.S. 1132 (2005) (Mem.). In Wood’s subsequent PCR proceedings, this Court denied his petition for a writ of certiorari. *Wood v. State*, Appellate Case No. 2009-118466, S.C. Sup. Ct. Order dated Oct. 31, 2012.

Wood then brought a federal habeas action. The United States District Court for the District of South Carolina, the Honorable David C. Norton presiding, adopted a report and recommendation granting a motion for summary judgment to the Commissioner of the South Carolina Department of Corrections and other respondents, essentially denying Wood’s petition. *Wood v. Stirling*, No. 0:12-CV-3532-DCN, 2019 WL 4257167 (D.S.C. Sept. 9, 2019). The United States Court of Appeals for the Fourth Circuit affirmed in a published opinion issued March 2, 2022. *See* 27 F.4th 269 (4th Cir. 2022). On October 31, 2022, the United States Supreme Court denied Wood’s petition for writ of certiorari on that decision. *See* 143 S. Ct. 382 (2022) (Mem).

Wood later filed an application for post-conviction relief raising a claim under *Singleton*. (App. 122–28); *see Singleton v. State*, 313 S.C. 75, 87, 437 S.E.2d 53, 60 (1993) (“If the PCR court finds the applicant incompetent in accordance with the standard adopted in this opinion, then the appropriate remedy is to issue a temporary stay of execution pending a mandatory review by this Court.”). This Court assigned the PCR matter to the Honorable Grace Gilchrist Knie. (App. 3) (laying out procedural history of Wood’s case). In turn, the PCR court ordered a competency evaluation for Wood in a March 10, 2025 order. (App. 143–47).

On September 9, 2025, the State filed a Motion for Additional Interview. (App. 148–56). In its motion, the State observed that Wood’s medication had been discontinued ahead of his meeting with Dr. Matthew Gaskins, who conducted an evaluation for the South Carolina Department of Behavioral Health and Developmental Disabilities, Office of Mental Health. (App. 152). According to the Gaskins report, Wood’s guardian asked that his medication be withdrawn so that Dr. Gaskins could “truly evaluate” Wood “and firmly[] understand his delusional beliefs about his execution.” (App. 152; *see* Report of Dr. Gaskins, p. 6).¹ In his report, Dr. Gaskins said that “[t]reatment decisions by medical providers are done with best medical interest of the patient and are not based on the legal standing of the patient.” (App. 152; Report of Dr. Gaskins, p. 13). Because of that decision, Dr. Gaskins found that “it is unclear if [Wood] would have the capacity to be executed if his symptoms were appropriately addressed.” (App. 152–53; Report of Dr. Gaskins, p. 13). Dr. Gaskins declined to offer an opinion regarding whether Wood could be restored to competency. (App. 153; Report of Dr. Gaskins, p. 13).

Because of the difference between the evaluations by Dr. Gaskins and those of Wood’s experts, the State asked in its motion that the circuit court allow Dr. Gaskins to conduct an additional interview “while appropriate care is being provided”²; that Dr. Gaskins be allowed to amend his report if necessary; and that the circuit court set up a mechanism allowing the State to fulfill its obligations under *Singleton* by allowing the State to periodically review Wood’s medical

¹ The excerpts from the report quoted here are drawn from the State’s motion; the report itself was filed under seal and is being transported to the Court.

² In its order denying an additional interview, the PCR court described the “appropriate care” request as a request for “forced medication.” (App. 158–59). Respectfully, the PCR court appears to have misconstrued the observation that medication could be *offered* to Wood. No request for forced medication was ever made before the PCR court.

records. (App. 154). The circuit court denied that motion in an order dated September 23, 2025, and filed on October 1, 2025. (App. 157–60).

The circuit court held an evidentiary hearing on Wood’s application March 24–25, 2026. The Honorable Grace Gilchrist Knie presided. (App. 13). Wood was represented by Emily C. Paavola, Esq., and Allison Franz, Esq., while the State was represented by Senior Assistant Deputy Attorney General Melody J. Brown, Esq., and Assistant Attorney General R. Brandon Larrabee, Esq. (App. 13).

After the hearing, the court issued an order finding that Wood was not competent to be executed. (App. 8–10). The court declined to grant the State’s request that Wood’s medical records be made periodically available and that the mandatory reports submitted by Wood’s guardian to the Probate Court be provided to the State. (App. 10).³

This petition for writ of certiorari follows.

³ The circuit court characterized this as a request that the court “order GAL Rust to provide the State with copies of the mandatory guardian reports that she submits to the Probate Court regarding Wood’s plan of care.” (App. 10). Respectfully, that misstates the nature of the State’s request. The State clarified at the hearing and in its proposed order that the request was for Wood or his counsel, not the guardian, be required to turn over the reports. (App. 108–09, 187–88). As noted in the proposed order, this request was framed to avoid interfering with the guardianship court’s jurisdiction. (App. 187–88).

STANDARD OF REVIEW

Certiorari Review

While PCR cases are considered under their own rule, as a general matter “[a] writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons.” Rule 242(b), SCACR; *see also* Rule 243, SCACR (setting out procedure for certiorari in PCR cases). Further, this Court has ruled that when a defendant is found incompetent by a PCR court, this Court reviews that decision. *Singleton v. State*, 313 S.C. 75, 87, 437 S.E.2d 53, 60 (1993).

Review of PCR Court’s Decision

The State is not challenging the factual findings of the PCR court as to competency; the issues are purely legal. As a result, this Court’s review is *de novo*. *See Jordan v. State*, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013) (“[W]e review questions of law *de novo*, and ‘ “will reverse the decision of the PCR court when it is controlled by an error of law.” ’ ” (quoting *Goins v. State*, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012))).

ARGUMENT

This Court should grant the petition for a writ of certiorari because the PCR court erred in declining to order continuing reporting of documents necessary for the State to carry out its obligations as contemplated by *Singleton*.

Because of the unusual nature of this appeal, it is important to clearly outline what this case is about and what this case is not about. This case is not about whether Wood is currently competent to be executed; the State does not dispute that he is not. Indeed, the State concedes that, at least at the time of his most recent interviews with the experts, Wood appears to satisfy our state's standard for incompetency. *See Singleton v. State*, 313 S.C. 75, 84, 437 S.E.2d 53, 58 (1993) (“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. 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.”).

This case is about the PCR court's decision denying the State's request to be allowed to periodically access Wood's medical records and to review the guardianship reports in this matter, despite the State's obligation to show that Wood has regained competence before the State can carry out Wood's sentence. The reason the PCR court gave for its decision was that it found “no legal basis on which to grant these requests.” (App. 10). This court should grant certiorari to acknowledge that the PCR court had the authority to act, or to establish another procedure for allowing the State to fulfill its obligations under *Singleton* in this and future cases. *Cf. Owens v. Stirling*, 443 S.C. 246, 292 n.23, 904 S.E.2d 580, 604 n.23 (2024) (outlining a procedure for the election of capital punishment methods to “avoid any confusion that may arise” over timing, while “encourage[ing]” the General Assembly to consider the issue).

A finding that a defendant is not competent to be executed under our state and federal precedents does not result in the sentence being commuted. Rather, the remedy is a stay of execution to prevent the State from imposing the sentence while the defendant is incompetent. Justice Lewis Powell said so in his influential concurrence in *Ford v. Wainwright*, when he acknowledged that “the State has a substantial and legitimate interest in taking petitioner’s life as punishment for his crime.” 477 U.S. 399, 425 (1986) (Powell, J., concurring). As Justice Powell said, “the only question raised is not *whether*, but *when*, his execution may take place.” *Id.*; see also *id.* at 425 n.5 (“It is of course true that some defendants may lose their mental faculties and never regain them, and thus avoid execution altogether. My point is only that if petitioner is cured of his disease, the State is free to execute him.”) (Powell, J., concurring).

This Court has followed Justice Powell’s lead. In fact, in *Singleton*—the leading case on this issue in South Carolina—this Court found that the PCR court erred when it vacated the defendant’s death sentence. See *Singleton*, 313 S.C. at 86, 437 S.E.2d at 59. “If the PCR court finds the applicant incompetent in accordance with the standard adopted in this opinion, then the appropriate remedy is to issue a temporary stay of execution pending a mandatory review by this Court.” *Id.* at 87, 437 S.E.2d at 60. And if the situation changes, and the State is able to prove that the defendant has regained competency, “then the PCR court may lift the previous stay of execution subject to the review of this Court.” *Id.* at 87, 437 S.E.2d at 60.

Among the reasons the *Singleton* Court gave for the temporary remedy was that even if the defendant is “hopelessly insane” under the medical knowledge of the day, that knowledge might itself change. *Id.* at 86, 437 S.E.2d at 59. “To carve out a remedy which ignores the ebb and flow of medical science is to create a rule which potentially could be impossible to live with in years to come.” *Id.*

To sum up, the State still has an interest in carrying out Wood’s sentence as part of its criminal justice system—just not when he is incompetent. *See Ford, supra*. And because his competence could change, or the science surrounding it could change, that incompetence is not permanent enough to warrant his sentence being vacated. *See Singleton, supra*. What does happen when a defendant is found incompetent is that the State assumes the burden of demonstrating that the defendant’s mental condition has changed. *Id.* In this instance, “the State must show by a preponderance of the evidence that the defendant is competent to be executed.” *Id.* at 87, 437 S.E.2d at 60.

That begs the question, though: How would the State know? The most objective measure would be Wood’s medical records. The other alternative would be for the State to periodically come back before the courts, with no reason to believe that Wood’s competency has been restored, to request another round of discovery and competency hearings. And it’s not clear that the State should do that, given *Singleton*’s holding that “the burden necessarily shifts to the State to move for a hearing *upon the defendant’s return to competency*.” *Singleton*, 313 S.C. at 87, 437 S.E.2d at 60 (emphasis added).

Again, this would not be a reversal of *Singleton*, but a fulfillment of it. Other states have taken similar steps, either through rulings of their courts or by legislation, to provide guidelines for keeping state officials updated on whether a defendant has regained competency. *See Van Tran v. State*, 6 S.W.3d 257, 272 (Tenn. 1999) (“Until and unless a statutory review procedure is adopted, the order staying execution will direct the parties to file in this Court every six months a status report which summarizes the prisoner's mental condition.”), *abrogated on other grounds by State*

v. Irick, 320 S.W.3d 284 (Tenn. 2010)⁴; Ariz. Rev. Stat. Ann. § 13-4023(A) (West) (providing for the chief medical officer of a state hospital to report to the parties and the Arizona Supreme Court on efforts to restore a defendant to competency every sixty days); Fla. Stat. Ann. § 922.07(4) (West) (“When a person under sentence of death has been committed to a Department of Corrections mental health treatment facility, he or she shall be kept there until the facility administrator determines that he or she has been restored to sanity.”).

Nor was the proposed timeframe that the State offered in its filings plucked from the air. When a court finds a defendant unfit to stand trial in the first place, the State (as well as the defendant, his legal guardian, his counsel, or the court itself) can ask the court to consider the issue again. *See* S.C. Code Ann. § 44-23-450 (West). There are limits, though; “any petition that is filed within six months after the initial finding of unfitness or within six months after the filing of a previous petition under this section shall be dismissed by the court without a hearing.” *Id.* In other words, in a similar circumstance—though not exactly analogous—the General Assembly has found that six months is an appropriate amount of time to wait before once again checking for competency.

As to the guardianship matter, the decisions made by the guardian have become inextricably linked to this issue because of the previous actions of the guardian, as the experience of Dr. Gaskins shows. A guardian no doubt has the duty to look out for the best medical interests of the person for whom they are appointed. The record here indicates that decisions made under the authority of that guardianship are being driven at least in part with the goal of advancing

⁴ Counsel has been unable to ascertain whether the Tennessee Legislature has addressed this issue in the years since *Van Tran*. In *Irick*, the Tennessee Supreme Court abrogated *Van Tran*’s definition of incompetency if it conflicted with later rulings by the United States Supreme Court, which the Tennessee court suggested might have made the earlier standard “obsolete.” *See Irick*, 320 S.W.3d at 294–95.

Wood's litigation strategy. To the extent that continues, this matter and the guardianship have become intertwined.

To be completely clear, the State is not asking for anything here that would interfere with the jurisdiction of the guardianship court. *See* S.C. Code Ann. § 62-1-302 (West) (providing for the probate court's exclusive jurisdiction over guardianship matters); S.C. Code Ann. § 62-5-701 (West) ("Notwithstanding another provision of law, this part provides the exclusive jurisdictional basis for a court of this State to appoint a guardian or issue a protective order for an adult."); *see also* S.C. Code Ann. § 62-5-201 (West) ("Exclusive jurisdiction of the court is set forth in Sections 62-1-302 and 62-5-701 as to appointment of a guardian or issuance of a protective order."). Rather, Wood or his counsel would simply be responsible for providing copies of the guardian's already-required mandatory reports to counsel for the State and to the South Carolina Department of Corrections psychiatric caregivers.

This Court should grant certiorari to answer the question left open by *Singleton*: How can the State know when it is appropriate to ask a court to reassess a defendant's competency? Particularly given that the situation here is likely to occur again—at least with regard to the medical records—this Court should either recognize the PCR court's authority to order continuing access or, alternatively, provide some other form of guidance on the procedure.

CONCLUSION

As this case demonstrates, this Court should provide clarity to trial and PCR courts about how to provide for the State to pursue its obligation to impose the jury's sentence. To do so, this Court should grant the petition for the writ of certiorari.

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