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ALAN WILSON
ATTORNEY GENERAL

September 18, 2014

S.C. Supreme Court

Tracy Garrett
Judge Scheduling Coordinator
Court Administration
Calhoun Building
1015 Sumter Street, Suite 200
Columbia, South Carolina 29201-3739

Re: John Richard Wood, #6005 vs. State of South Carolina
C.A. No. 2013-CP-23-5190

Dear Ms. Garrett:

I am writing to respectfully request that a judge be appointed to hear this capital post-conviction relief action involving a second state PCR application from Greenville County death penalty inmate John Richard Wood. His prior state PCR hearing judge was the now-retired Judge Larry Patterson. Mr. Wood filed an application for post-conviction relief on September 26, 2013 in Greenville County. On the application, it was represented that Mr. Wood is represented by Emily C. Paavola, Esquire, and Elizabeth A. Franklin-Best, Esquire in this post-conviction relief action (who have been appointed to represent the Applicant in the pending federal habeas corpus action).

The State, through Assistant Deputy Attorney General S. Creighton Waters, filed a Return and Motion to Dismiss as a Successive Application in this action on November 18, 2013. Ms. Franklin-Best and Ms. Paavola were served with the Return and Motion to Dismiss on October 28, 2013. No further action has occurred concerning the State's motion to dismiss. I am notifying both counsel of this request for the appointment of a judge by copy of this letter to address the application and the State's motion to dismiss.

Mr. Wood currently has a federal habeas action pending in the United States District Court for the District of South Carolina, which is currently stayed pending resolution of this post-conviction relief action. Wood v. Byars, 0:12-03532-DCN-PJG.

Mr. Wood had previously filed an Application for Post-Conviction Relief on July 28,

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2005 after the conclusion of his direct appeal from his trial and death sentence. (C/A No. 2005-CP-23-4737). In that action, he was represented by James A. Brown, Jr., Esquire, and Bill Godfrey, Esquire. As stated above, the matter was heard by the Honorable Larry R. Patterson, Circuit Court Judge. Judge Patterson issued an Order of Dismissal with Prejudice on December 19, 2007. Judge Patterson further denied a Motion to Reconsider on January 28, 2009. Mr. Wood appealed the matter to the South Carolina Supreme Court, and his petition for writ of certiorari was denied on November 16, 2012. (Appellate Case No. 2009-118466). He subsequently filed his federal habeas action challenging his conviction and death sentence on September 19, 2013. (C/A No. 0:12-CV-3532-DCN-PJG). A stay in the federal habeas action was entered by the Honorable Paige J. Gossett, United States Magistrate Judge on October 23, 2013 upon counsel Franklin-Best and Paavola's request.

If further information is necessary, please advise me. Thank you for your cooperation in this matter.

Sincerely,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DZ:dmd

cc: Emily C. Paavola, Esq.
Elizabeth Franklin-Best, Esq.
Debbie Hopkins
Victims' Services
