

Shearouse, Daniel

From: Hayes, J. Mark
Sent: Tuesday, March 31, 2015 2:39 PM
To: Frierson, Rosalyn; Shearouse, Daniel
Cc: Hayes, J. Mark Law Clerk (Monier Abusaft)
Subject: FW: Wood v. State 2013-CP-23-5190

Ms. Frierson and Mr. Shearouse

In accordance with the Order assigning me the above reference Death Penalty PCR, I am providing you both a copy of the below email I am sent to the attorneys involved the case.

After conducting the hearing on the Motion to Stay the PCR and reviewing the information submitted by counsel, my position was that in order to be fair to both the State and the Applicant, this court needed to hear both the Motion to Stay and the Motion to Dismiss together. Therefore the need for the second hearing referenced in the below email.

Given that all of the attorneys are located in Columbia, I attempt to save everyone money and time by having such hearings as these at a location close to Columbia if possible. The first hearing, I set at a time when I was already scheduled to be Columbia for a meeting with the Supreme Court.

Please let me know if any additional information is needed on the matter at this time.

Respectfully

Mark Hayes

From: Hayes, J. Mark
Sent: Tuesday, March 31, 2015 2:27 PM
To: Zelenka, Don; 'agesalter@scag.gov'; 'emily@deathpenaltyresource.org' (emily@deathpenaltyresource.org); 'elizabeth.a.franklin@gmail.com' (elizabeth.a.franklin@gmail.com)
Cc: Hayes, J. Mark Law Clerk (Monier Abusaft)
Subject: Wood v. State

Everyone

I am scheduled to be in Lexington County holding court the week of May 11, 2015. Given the close geographic proximity I will be to your offices, my desire is to receive oral arguments on the State's motion to Dismiss and any final arguments on Applicant's Motion to Stay some time that week. Based on our last meeting, my belief is that the arguments should be able to be accomplished within one hour. If anyone believes more time will be needed, please us know as soon as possible.

Please review your calendars and let us know if you are not available the week of the 11th and of any conflict you may already that week. Also note that we cannot do the arguments on the 11th as that day is a state holiday. If the week of May 11th is agreeable, we will work with the common pleas docket clerk to get it place on the schedule.

An alternative week is the week of April 20th. However, I am not as close to your office as I am in York County that week. If everyone believes April 20th week is better, please let us know and we will begin working on scheduling with the York Solicitor's office to reserve time for the hearing.

I am assuming the State will not be presenting, at this time, additional briefing in support of its Motion to Dismiss since the Motion contained within its Return is lengthy and appears detailed as to its position. I request that any brief opposing the Motion to Dismiss be submitted April 15th by Applicant. If a brief opposing the Motion to Dismiss is submitted, the State is asked to submit a Reply brief (if any) 10 from the time of receiving the brief in opposition or submit the Reply brief the morning of the hearing (which occurs first).

I do not anticipate receiving any further briefs on the Motion to Stay. I have those already from our last hearing. However, if any additional briefs are going to be submitted on the Stay issue please have them to us by April 15th so that the opposing side can submit a response (if needed) as provided in the above paragraph related to the Motion to Dismiss.

In advance thank you all for your attention and cooperation.

Mark Hayes