

Shearouse, Daniel

From: Hayes, J. Mark
Sent: Thursday, April 16, 2015 4:49 PM
To: Shearouse, Daniel; Frierson, Rosalyn
Subject: FW: Wood v. State

Don and Rosalyn

This email is just an update on this death penalty PCR

Thank you

Mark

From: Hayes, J. Mark
Sent: Thursday, April 16, 2015 4:48 PM
To: Zelenka, Don; Emily Paavola
Cc: Ed Salter; 'elizabeth.a.franklin@gmail.com' (elizabeth.a.franklin@gmail.com); Hayes, J. Mark Law Clerk (Monier Abusaft); Creighton Waters; Carrigg, Beth
Subject: RE: Wood v. State

Everyone

Beth Carrigg has kindly approved us doing the State v. Wood motion hearing Tuesday May 12 at 9:30. The hearing will be conducted will be conducted at the Lexington County courthouse.

Tiffany Raines is being included on this email so that she prepare the necessary order giving me jurisdiction to conduct the hearing if one is needed. Tiffany, this is a death penalty PCR assigned to me by the Chief Justice. Since it is a PCR matter and I am already assigned to civil jury trials in Lexington, I may not need a new order, but wanted to be sure.

In advance, thank you all for your attention

Mark Hayes

From: Zelenka, Don
Sent: Thursday, April 02, 2015 10:18 AM
To: Emily Paavola
Cc: Hayes, J. Mark; Ed Salter; 'elizabeth.a.franklin@gmail.com' (elizabeth.a.franklin@gmail.com); Hayes, J. Mark Law Clerk (Monier Abusaft); Creighton Waters
Subject: RE: Wood v. State

Dear Judge Hayes –

I remain available May 12 also.

Donald J. Zelenka
Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
P.O. Box 11549

Columbia, S.C. 29211
803-734-3601
dzelenka@scag.gov

From: Emily Paavola [<mailto:emily@deathpenaltyresource.org>]
Sent: Thursday, April 02, 2015 9:58 AM
To: Don Zelenka
Cc: Hayes, J. Mark; Ed Salter; 'elizabeth.a.franklin@gmail.com' (elizabeth.a.franklin@gmail.com); Hayes, J. Mark Law Clerk (Monier Abusoft); Creighton Waters
Subject: Re: Wood v. State

Dear Judge Hayes:

Ms. Franklin-Best and I are both available on Tuesday, May 12. Ms. Franklin-Best has a federal trial starting on the 13th and will be unavailable for the rest of that week. Thus, we prefer the 12th, if possible, but I can also be available later that week if necessary.

Sincerely,

Emily Paavola

On Tue, Mar 31, 2015 at 4:04 PM, Don Zelenka <DZelenka@scag.gov> wrote:

Judge Hayes - et al.

Please be advised that I am available to argue the merits of our motion to dismiss the successive application in John Richard Wood v. State during the week of May 11. I currently have no court appearance scheduled during that week.

I am presently unavailable the alternate week of April 20.

Sincerely,

Don Zelenka

Donald J. Zelenka
Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office

P.O. Box 11549

Columbia, S.C. 29211

803-734-3601

dzelenka@scag.gov

From: Hayes, J. Mark [<mailto:mhayesj@sccourts.org>]
Sent: Tuesday, March 31, 2015 2:27 PM
To: Don Zelenka; Ed Salter; '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

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