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The Supreme Court of South Carolina

The State,

Respondent

v.

Richard Bernard Moore,

Appellant.

The Honorable Gary E. Clary
Spartanburg County
Trial Court Case No. 2000-GS-42-0617
2000-GS-42-0619
2001-GS-42-2460

ORDER

By order dated April 7, 2004, this Court issued an order staying the execution of appellant to allow him to proceed in post-conviction relief (PCR). The PCR action was filed as Moore v. State, 2004-CP-42-02715, and was assigned to Judge Roger L. Couch in January 2010, following the retirement of Judge Larry R. Patterson.

By order dated June 17, 2010, Judge Couch was asked to issue a scheduling order in this case which would allow for the issuance of a final order by November 15, 2010. The order also instructed Judge Couch to notify the Court if compelling reasons arose preventing him from issuing a

final order by that date.

Judge Couch has now informed the Court that he has had some difficulty complying with the June 17, 2010 order due to a change of strategy by appellant's counsel which requires that they employ additional experts. Judge Couch states that he can hold a hearing in this matter on January 31 and February 1, 2011, and issue an order within thirty days of the conclusion of the hearing.

We find Judge Couch has presented a sufficient reason for postponing the deadline for the issuance of a final order in this matter. Judge Couch shall conduct a hearing on appellant's PCR application starting on January 31, 2011. A final order in the matter shall be issued no later than March 1, 2011. If there are compelling reasons why this schedule cannot be complied with, Judge Couch shall notify this Court immediately.

IT IS SO ORDERED.


C.J.
FOR THE COURT

Columbia, South Carolina

September 21, 2010

cc: **Melissa Jane Reed Kimbrough, Esquire**
Assistant Deputy Attorney General Donald J. Zelenka
Senior Assistant Attorney General William Edgar Salter, III
The Honorable Roger L. Couch

Melissa J. Armstrong, Esquire
1830 Marion Street
Columbia, S.C. 29201
(803) 765-2796.

September 17, 2010

Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

Re: Richard B. Moore v. State, 04-CP-42-2715
Charles O. Shuler v. State, 03-CP-38-03
Anthony Woods v. State, 09-CP-14-654

Dear Mr. Shearouse:

I am writing to update the court on the status of the above-referenced pending capital post-conviction relief cases.

Richard B. Moore's case is set for hearing on January 31, 2011.

Charles O. Shuler's case has been tried and a missing transcript is being sought from a follow-up court hearing. After the missing transcript is located, all counsel are expected to provide proposed orders.

As for Anthony Woods' case, this case is being investigated and prepared for trial.

Should the Court have any questions concerning these cases, please do not hesitate to contact me.

Very truly yours,


Melissa J. Armstrong

cc: Wm. Edgar Salter, Esquire
Anthony Mabry, Esquire
James Morton, Esquire
Jim Brown, Esquire
Bobby Kilgo, Esquire

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S.C. SUPREME COURT