THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
IN THE ORIGINAL JURISDICTION

Christopher Woody,
Petitioner,

Appellate Case No. 2026-001611

v.

LeVern Cohen, Warden of Ridgeland
Correctional Institution,
Respondent.

PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF AUTHORITIES
Rule 245(b), SCACR

COMES NOW Petitioner Christopher Woody, proceeding pro se, and respectfully petitions the Supreme Court of South Carolina to exercise its original habeas corpus jurisdiction under Rule 245(b), SCACR, and grant extraordinary relief from unlawful custody. South Carolina cannot lawfully continue to imprison a man under a verdict returned after sworn evidence states that an unauthorized person entered the jury room during deliberations and told jurors, in substance, "If you have any doubt, you must convict."

The petition is supported by sworn evidence of the external jury-room intrusion, a corroborating account that an unidentified man entered and communicated with the foreperson, a trial-transcript acknowledgment that the court received a jury-foreperson note about jurors' concern over comments being made to them, institutional date-and-time stamps showing delivery of the complete 2018 PCR filing before the limitations deadline, procedural orders that foreclosed factual development, and newly issued controlling authority reaffirming the constitutional seriousness of outside jury influence. Viewed collectively, these circumstances render the conviction constitutionally unreliable and require immediate release or, at minimum, an expedited, conflict-free merits proceeding.

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Petitioner names LeVern Cohen, Warden of Ridgeland Correctional Institution, as sole Respondent in his custodial capacity. A complete copy is served on the Office of the South Carolina Attorney General as counsel for the State's interests. No filing fee is submitted because Rule 240(d), SCACR, exempts petitions invoking Rule 245 original jurisdiction.

I. FACTS THAT DEMAND REVIEW

Petitioner was tried and convicted in York County in May 2005. On May 31, 2017, a juror was interviewed and reported that an unidentified white man with brown hair entered the jury room during deliberations and stated, in substance, "If you have any doubt, you must convict." Exhibit 1. That statement did not merely touch the case; it reversed the governing burden of proof. Reasonable doubt requires acquittal, not conviction.

A second affidavit reports that another juror recalled an unidentified man entering the jury room during deliberations and communicating with the foreperson before the verdict. Exhibit 2. These are external facts, not speculation about jurors' mental processes: a person entered; the entry occurred during deliberations; the person communicated with jurors or the foreperson; and the communication concerned doubt and conviction.

The trial record contains a separate warning sign. At the end of one trial day, the judge acknowledged that the court had received a note from the jury foreperson about jurors' concern over comments being made to them. The court stated the note had not previously been made part of the record and made it a court exhibit because the court believed "something on the record about it" was necessary. Exhibit 11. Juror notes concerning comments to jurors were not produced to Petitioner until 2018, after his family pursued the matter. Exhibit 10.

The transcript does not meaningfully reveal who made the comments, what was said, which jurors heard them, whether jurors were questioned, whether counsel was heard, whether a curative instruction was given, or whether the court made prejudice findings. Petitioner does not

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offer this earlier jury-integrity event as conclusive proof of the later jury-room intrusion. He offers it because it shows that concerns about comments to jurors arose during trial, were recognized by the court, and were preserved only in a limited record that failed to develop the underlying facts.

The specific jury-room intrusion claim was discovered after trial and after earlier collateral proceedings. Petitioner completed a 2018 PCR application and delivered the complete filing to institutional authorities on May 29, 2018, as shown by institutional date-and-time stamps on the PCR materials and application to proceed without payment. Exhibits 3 through 5. The Clerk of Court did not file-stamp the application until June 4, 2018, after Petitioner had lost control over institutional and postal processing. Exhibit 6.

The PCR court dismissed the application on procedural grounds, and the final order maintained those determinations. PCR counsel expressly relied on McCoy v. State, 401 S.C. 363, 737 S.E.2d 623 (2013), and contested the timeliness and hearing rulings. Exhibits 7 through 9. No court has heard testimony from the jurors, identified the person who entered the jury room, determined exactly what was said, or required the State to rebut prejudice.

II. RULE 606(b) PERMITS THE EXTERNAL-INFLUENCE SHOWING

Rule 606(b), SCRE, bars juror testimony about internal deliberations, emotions, votes, or the effect of information on a juror's mind. It expressly permits testimony about whether extraneous prejudicial information was improperly brought to the jury's attention or whether an outside influence was improperly brought to bear on a juror.

Petitioner relies only on admissible external facts. Any affidavit language describing a juror's internal reasoning, private mental process, or the subjective effect on a vote is unnecessary to the prima facie showing and should not be considered. The case can and should be decided on the

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permitted facts: unauthorized entry, timing during deliberations, communication with jurors, and a conviction-directed statement concerning reasonable doubt.

III. THE LAW PRESUMES PREJUDICE FROM THIS KIND OF INTRUSION

The Sixth and Fourteenth Amendments, article I, section 14 of the South Carolina Constitution, and the common-law protection of jury independence forbid outside influence on a deliberating jury. No prosecutor, court employee, public official, lawyer, bailiff, investigator, or other unauthorized person had lawful authority to enter the closed jury room and instruct jurors on the standard for conviction.

Remmer v. United States, 347 U.S. 227 (1954), Parker v. Gladden, 385 U.S. 363 (1966), State v. Elmore, 279 S.C. 417, 308 S.E.2d 781 (1983), and State v. Cameron, 311 S.C. 204, 428 S.E.2d 10 (Ct. App. 1993), all recognize the constitutional gravity of unauthorized communications with deliberating jurors. This case is worse than a casual courthouse exchange. The alleged statement was legal, coercive, and aimed at conviction.

State v. Murdaugh, Op. No. 28329 (S.C. May 13, 2026), is not newly discovered evidence and Petitioner does not claim it created a new right. It is newly issued controlling authority reaffirming the Remmer framework: competent evidence of more-than-innocuous external contact concerning the matter before the jury triggers a presumption of prejudice, and the State must prove there is no reasonable possibility the contact affected the verdict. A physical entry into the jury room and a false instruction that doubt requires conviction satisfies that threshold many times over.

IV. THE PROCEDURAL DISMISSAL WAS ITSELF A DENIAL OF FAIRNESS

The 2018 PCR application was not properly rejected on the cold paper record. Mose v. State, 420 S.C. 500, 803 S.E.2d 718 (2017), does not adopt an automatic prisoner-mailbox rule, but it recognizes equitable tolling where a prisoner timely delivers the correct, complete application to

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prison authorities and clerk delay occurs beyond his control. Petitioner's institutional stamps and declaration are competent evidence of timely delivery and loss of control. The later clerk stamp could not fairly defeat the filing without fact-finding concerning completeness, delivery, mail logs, envelopes, postage, and institutional processing.

McCoy required the juror-misconduct allegations and timeliness facts to be accepted favorably at the summary-dismissal stage unless conclusively refuted by the record. State v. Rowell, 444 S.C. 109, 906 S.E.2d 554 (2024), reaffirms that a hearing on juror-misconduct claims is almost always preferred and that refusal requires cogent, compelling reasons. The sworn external-contact evidence, corroborating account, institutional stamps, delayed clerk stamp, and unresolved discovery issues were material factual questions, not pleading defects.

Procedural finality has force. It does not have power to sanctify a verdict allegedly produced after an unauthorized person entered the jury room and told jurors to convict if they had doubt. Petitioner cannot be defaulted for failing to prove facts that were known to jurors, not counsel; omitted or obscured in the record; produced years later; and impossible to develop without subpoenas, testimony, and a court willing to hold a hearing.

V. CUMULATIVE UNFAIRNESS WARRANTS ORIGINAL HABEAS RELIEF

Rule 245(a), SCACR, permits original jurisdiction where public interest, emergency, material prejudice, or other good reasons make initial lower-court determination inadequate. South Carolina retains habeas authority after ordinary review in rare cases involving a denial of fundamental fairness shocking to the universal sense of justice. Williams v. Ozmint, 380 S.C. 473, 671 S.E.2d 600 (2008); Simpson v. State, 329 S.C. 43, 495 S.E.2d 429 (1998); Gibson v. State, 329 S.C. 37, 495 S.E.2d 426 (1998).

This is that rare case. The Court is not being asked to aggregate rumor. It is being asked to confront the cumulative force of identified proof and identified failures: a jury-foreperson note

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about comments to jurors; a limited transcript that did not meaningfully develop that event; delayed production of juror notes; sworn evidence that an unauthorized person later entered the jury room during deliberations; corroboration of entry and communication with the foreperson; institutional proof that the 2018 PCR was timely delivered; procedural dismissal without live testimony; failure to apply the outside-influence presumption; and more than twenty-one years of imprisonment without a merits ruling on the integrity of the jury room.

Tucker v. Catoe, 346 S.C. 483, 552 S.E.2d 712 (2001), confirms that multiple jury-related failures may, in their totality and setting, justify extraordinary habeas relief. Petitioner's custody now rests on a verdict whose independence has never been tested under oath. That is not finality. It is unreviewed constitutional damage continuing day by day.

The comparison to Murdaugh is offered for uniform constitutional application, not as a freestanding discrimination claim. Murdaugh was affluent, nationally visible, and represented by prominent counsel; Woody is poor, incarcerated, pro se, Black, and publicly unknown. That contrast cannot dictate constitutional outcomes. The impartial-jury guarantee does not expand for the famous and shrink for the so-called nobody.

VI. INDEPENDENT REVIEW AND RECORD PRESERVATION ARE ESSENTIAL

Petitioner does not ask this Court to find on the present paper record who entered the jury room. Unverified information has identified a current official as a possible investigative lead, but Petitioner does not offer that information as proof of the intrusion or as proof of misconduct by any named person. The legal issue is stronger and cleaner: sworn juror evidence independently establishes that an unauthorized person with courthouse access allegedly entered the jury room and communicated a conviction-directed statement.

Because the allegation necessarily concerns courthouse access during deliberations, any inquiry may involve court personnel, lawyers, prosecutorial personnel, law enforcement, or others

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connected to the Sixteenth Judicial Circuit. Exhibit 12, including correspondence among Regina Moore, Representative Thomas E. Pope, and Solicitor Kevin Brackett, is offered only for notice and procedural posture, including the acknowledgment that the issue may not have been litigated on its merits. It is not offered as proof that any identified person entered the jury room.

The Court should require independent preservation and fact-finding outside any office or person potentially connected to the events. Relevant materials include trial audio, court-reporter files, the foreperson note, juror notes, clerk records, bailiff records, jury communications, solicitor records, PCR records, prison-mail logs, envelopes, postage records, electronic communications, and all materials concerning comments to jurors or jury-room access.

VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully asks this Court to accept original jurisdiction, expedite review, order Respondent to file a return, direct the Attorney General to produce the complete relevant record, and enter an immediate preservation order covering all jury, trial, court-reporter, clerk, bailiff, solicitor, PCR, prison-mail, email, electronic, and related records.

Petitioner asks the Court to hold that Rule 606(b) permits consideration of the external facts; that Murdaugh and Remmer require a presumption of prejudice once the more-than-innocuous outside contact is shown; that Mose required equitable tolling or fact-finding on timely institutional delivery; that McCoy and Rowell prohibited summary rejection of the juror-misconduct claim without factual development; and that the cumulative effect of the jury-integrity events and procedural failures satisfies South Carolina's original habeas standard.

Petitioner primarily requests vacatur of the conviction and sentence and immediate discharge from unconstitutional custody. Alternatively, if additional factual development is indispensable before release, Petitioner requests an immediate, expedited, conflict-free evidentiary hearing before a neutral judicial officer, with subpoena authority, appropriate discovery, conflict-free

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counsel for Petitioner, independent handling of the State's factual investigation, and the State bearing the burden required by controlling outside-influence precedent. If the State cannot rebut the presumption of prejudice, the conviction must be vacated. If a new trial is ordered, it should occur within a definite and prompt period, with release if the State does not proceed. If misconduct, concealment, loss of evidence, conflict, or the passage of time has made a constitutionally reliable retrial impossible, dismissal with prejudice is warranted.

Petitioner seeks relief from unconstitutional custody and reserves any separate civil claims or remedies that may become available upon favorable termination of the challenged conviction.

Respectfully submitted,

_____

Christopher Woody, SCDC No. 309141
Petitioner, Pro Se
Date: _____

Institutional Address:
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