

STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

Original Jurisdiction

The State of South Carolina,

Petitioner,

v.

Michael Wilson Pearson.,

Respondent.

Appellate Case No.: 2025 _____

PETITION FOR EXTRAORDINARY WRIT FOR POST-CONVICTION RELIEF BOND

Pursuant to S.C. Const. art. V, § 5 and *State v. Whitener*, 225 S.C. 244, 81 S.E.2d 784 (1954), the State, by and through undersigned counsel, respectfully asks this Court to exercise its original jurisdiction and grant Respondent, Michael Wilson Pearson, a personal recognizance bond pending resolution of his post-conviction relief action (2024-CP-14-00261) arising out of and pending in Clarendon County. The State offers the following in support of this motion:

Supreme Court of South Carolina's Authority to Act

Article V, § 5 of the South Carolina Constitution provides: "The Supreme Court shall have power to issue writs or orders on injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus, and other original and remedial writs." S.C. Code Ann. § 18-1-90 provides: "Bail may be allowed to the defendant in all cases in which the appeal is from the trial, conviction, or sentence for a criminal offense. However, bail is not allowed when the defendant has been

sentenced to death, life imprisonment, or *imprisonment for more than ten years.*” (emphasis added).

Notwithstanding the statute that provides bail is prohibited when the defendant has been sentenced for more than ten years, this Court has held that its authority to issue writs and orders in the South Carolina Constitution vests it the power to grant bail, in its discretion, where the sentence exceeds ten years. *See State v. Whitener*, 225 S.C. 244, 81 S.E.2d 784 (1954) (“This Court, the judicial body of last resort in our state system of jurisprudence, has the inherent power to set bond in any case...This Court can grant bail, in its discretion, where the sentence exceeds ten years.”). Therefore, this Court can properly grant Pearson bond in this matter.

Reasons Bond Should Be Granted

Pearson’s post-conviction relief application is based on newly discovered evidence in the form of co-defendant’s (Victor Weldon) statement allegedly exculpating Pearson from the crime. The Attorney General’s Office is currently conducting an investigation and is in the process of collecting relevant materials from local law enforcement as part of its due diligence. This effort is in preparation for the PCR hearing scheduled for September 29-30, 2025, which is based on the amended applications submitted by Pearson’s counsel in July and August 2025. At this stage, the Attorney General’s Office cannot concede that the allegations hold any legal merit or that Mr. Weldon’s statements are credible in any capacity.¹ However, the Honorable Robert E. Hood’s concerns regarding Pearson’s continued incarceration as described in his comments at an August 4, 2025, status hearing convince the Attorney General’s Office, in the interest of justice, for

¹ *See* Attachment A (noting Weldon’s significant credibility issues based on his false sworn testimony at his post-conviction relief hearing that he had an alibi and his subsequent guilty plea admitting to committing the crime.). The State requests this Court take judicial notice of Weldon’s PCR transcript which is already filed with this Court.

Pearson to be granted a personal recognizance bond pending the resolution of the underlying post-conviction relief action. **Of course, this position in the PCR matter does not preclude the Solicitor of the Third Circuit from taking independent action under Rule 29 based upon his own, separate investigation.**

After the filing of Pearson's amended post-conviction relief application, this Court vested the Honorable Robert E. Hood with the exclusive jurisdiction to hear and dispose of Pearson's case. Upon his appointment, Judge Hood scheduled two status conference hearings: the first on July 23, 2025, and the second on August 4, 2025. At the hearing on August 4, 2025, Judge Hood stated he had "never read an application with as much information and data that potentially supports someone being innocent." This statement has been widely quoted by the media and served as a significant factor in prompting the Clarendon County Legislative Delegation's public letter to the Attorney General. (See Attachment B) ("Recent developments, including reporting in the *Post and Courier* and statements from the Honorable Judge Robert E. Hood, have brought forward new information that raises plausible doubt about the role of the defendant, Mr. Michael Wilson Pearson, in this case.").

Additionally, an evidentiary hearing in the post-conviction relief action has been scheduled by this Court for September 29-30, 2025. The Attorney General's Office is currently in the process of collecting discovery and further investigating this matter in preparation for the September hearing. In light of the foregoing, in the interest of justice, the State requests Pearson be granted a personal recognizance bond pending resolution of his post-conviction relief action.

Respectfully Submitted,

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