

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Honorable Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2022-001280

Case No. 2021-CP-40-02306

FREDDIE EUGENE OWENS, BRAD KEITH SIGMON, GARY DUBOSE
TERRY, and RICHARD BERNARD MOORE,..... Respondents-Appellants,

v.

BRYAN P. STIRLING, in his official capacity as the Director
of the South Carolina Department of Corrections; SOUTH
CAROLINA DEPARTMENT OF CORRECTIONS; and HENRY
MCMASTER, in his official capacity as Governor of the State
of South Carolina,..... Appellants-Respondents.

MOTION TO STAY AND RESET DEADLINES
AND FOR EXPEDITED CONSIDERATION

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Under Rule 240, SCACR, Appellants move to stay and reset the 60-day deadline for the circuit court to “oversee the completion of this discovery” and the subsequent 60-day deadline for the circuit court “to conduct any hearing it deems appropriate and to present an order to this Court regarding its factual findings and determination as to the availability of lethal injection in South Carolina” pending the resolution of Appellants’ Petition for Rehearing. *Owens v. Stirling*, No. 2022-001280, 2023 WL 415586, at *5 (S.C. Jan. 26, 2023).

Judicial economy supports a stay. If the Court grants the Petition, then no remand will occur. Even if the Court grants the Petition in part, a substituted opinion will guide the proceedings in the circuit court on remand to ensure that the discovery that does occur is in fact focused on the limited purpose for which the case is being remanded. There is no reason to allow discovery to start now when Appellants have asked the Court to reconsider permitting any discovery at all or at least to ensure sufficient guardrails are put on that discovery.

Expedited consideration is warranted here for two reasons. First, it is consistent with how the rest of this case—from the circuit court proceedings to the briefing in this Court—has proceeded. Second, it ensures that this Motion is resolved quickly so that the parties know whether the two 60-day deadlines are indeed stayed pending a decision on the Petition.

Respectfully submitted,

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