

# The Supreme Court of South Carolina

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.

Appellate Case No. 2022-001280

Jocelyn Newman, Circuit Court Judge  
Richland County  
Trial Court Case No. 2021CP4002306

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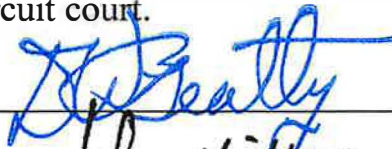
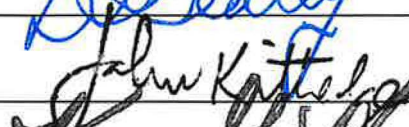



## ORDER

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Appellants-Respondents have filed a Petition for Rehearing, along with a Motion to Stay and Reset Deadlines and for Expedited Consideration. The Petition for Rehearing is denied. The Motion is granted as to the stay and an adjustment of deadlines. The two deadlines set forth in *Owens v. Stirling*, Op. No. 28132 (S.C. Sup. Ct. filed Jan. 26, 2023) for the completion of discovery regarding the availability of lethal injection and the issuance of an order are stayed for the time the Petition for Rehearing has been under consideration by this Court. The deadlines shall now be calculated from the date of the filing of this Order.

To the extent the Motion asks this Court to prospectively limit the scope of discovery to only the initial discovery questions propounded by Respondents-Appellants, we decline to do so. We concluded in *Owens* that discovery on this subject was prematurely halted by the circuit court. As a result, we leave the

proper scope of the completion of discovery relevant to the availability of lethal injection to the sound discretion of the circuit court.

  
\_\_\_\_\_ C.J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.

Columbia, South Carolina

February 9, 2023

cc:

William Grayson Lambert, Esquire  
Thomas Ashley Limehouse, Jr., Esquire  
Erica Wells Shedd, Esquire  
Daniel Clifton Plyler, Esquire  
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