

# The Supreme Court of South Carolina

The State, Respondent,

v.

Steven V. Bixby, Appellant.

Appellate Case No. 2007-054161

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## ORDER

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Petitioner was convicted on two counts of murder and sentenced to death. This Court affirmed Petitioner's convictions and sentence. *State v. Bixby*, 388 S.C. 528, 698 S.E.2d 572 (2010). Following the denial of his application for post-conviction relief, the Court denied Petitioner's request for a writ of certiorari.

Petitioner subsequently filed a petition for a writ of habeas corpus in the federal district court, which stayed his execution pending resolution of the habeas corpus action. The district court denied Petitioner's writ of habeas corpus, the United States Court of Appeals for the Fourth Circuit affirmed the district court's denial of relief, and the United States Supreme Court denied Petitioner's petition for a writ of certiorari. *Bixby v. Stirling*, No. 4:17-cv-954-BHH, 2022 WL 2905509, at \*1 (D.S.C. July 22, 2022); *Bixby v. Stirling*, No. 21-5, 2022 WL 4494130, at \*1 (4th Cir. Apr. 29, 2022), *cert. denied*, No. 22-6690, 2023 WL 3440639, at \*1 (May 15, 2023).

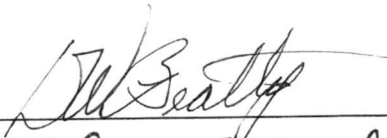
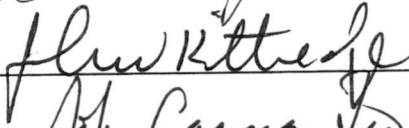
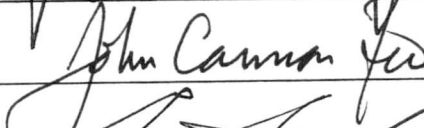

Petitioner has now filed a motion with this Court to stay the setting of his execution date based on the pendency of *Owens v. Stirling*, Appellate Case No. 2022-001280, which challenges the constitutionality of South Carolina's methods of execution.

While we recognize the duty of the Clerk of this Court to issue an execution notice is ministerial,<sup>1</sup> due to the pendency of *Owens* and in order to conserve judicial,

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<sup>1</sup> See *Roberts v. Moore*, 332 S.C. 488, 488, 505 S.E.2d 593, 593 (1998) (holding it is a

attorney, and Department of Corrections recourses, we direct the Clerk of Court not to issue a notice of execution until *Owens* is resolved.

	C.J.
	J.
	J.
	J.
D. G. [unclear]	J.

Columbia, South Carolina  
June 8, 2023

cc:

Donald J. Zelenka, Esquire  
Robert Michael Dudek, Esquire  
Henry Dargan McMaster, Esquire  
Melody Jane Brown, Esquire  
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Salley W. Elliott, Esquire  
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ministerial duty of the Clerk of the Supreme Court to issue an execution notice pursuant to S.C. Code Ann. § 17-25-370 (2014)).