

# The Supreme Court of South Carolina

The State, Respondent,

v.

Marion Bowman, Jr., Appellant.

Appellate Case No. 2002-023546

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## ORDER

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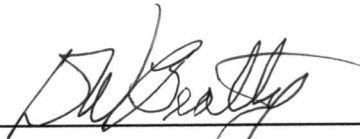
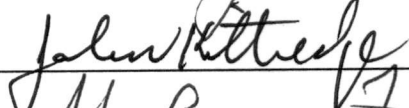
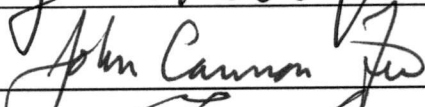

Petitioner was convicted of murder and related offenses and sentenced to death. This Court affirmed Petitioner's convictions and sentence. *State v. Bowman*, 366 S.C. 485, 623 S.E.2d 378 (2005). Following the denial of his application for post-conviction relief, this Court granted Petitioner's request for a writ of certiorari but affirmed the PCR court's order. *Bowman v. State*, 422 S.C. 19, 809 S.E.2d 232 (2018). Petitioner subsequently filed a petition for a writ of habeas corpus in the federal court, which issued a stay of execution pending resolution of the habeas corpus action. 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. *Bowman v. Stirling*, 45 F.4th 740 (4th Cir. 2022), *cert. denied*, No. 22-6672, 2023 WL 3571540, at \*1 (May 22, 2023).

Petitioner has now filed a motion to stay the setting of his execution date pending a final decision in *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, attorney, and Department of Corrections recourses, we direct the Clerk of Court not to issue a notice of execution until *Owens* is resolved.

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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 ministerial duty of the Clerk of the Supreme Court to issue an execution notice pursuant to S.C. Code Ann. § 17-25-370 (2014)).

  
\_\_\_\_\_ C.J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.  
  
\_\_\_\_\_ J.  
D. Hanlon \_\_\_\_\_ J.

Columbia, South Carolina  
June 8, 2023

cc:

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