

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Lexington County

The Honorable Eugene C. Griffith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY RAY JONES, JR.,

PETITIONER.

APPELLATE CASE NO. 2019-001008

PETITION FOR STAY OF EXECUTION

Counsel for Timothy Ray Jones, Jr., petitions this Court for a stay of execution to allow him to file a petition for writ of certiorari with the United States Supreme Court.

I.

This Court affirmed petitioner's conviction and death sentence in State v. Timothy Ray Jones, Jr., Op. No. 28145, Howard's Advance Sh. No. 12 (March 29, 2023) at 23-61. Petitioner timely filed for rehearing. This Court issued a substituted opinion after granting rehearing on one issue while still affirming appellant's convictions and death sentence. It denied rehearing on the remaining issues.

II.

A petition for writ of certiorari to the United States Supreme Court is petitioner's proper avenue for relief from the judgment of this Court affirming his convictions and sentence of death.

Supreme Court Rule 13.1. Pursuant to *In re STAYS OF EXECUTION IN CAPITAL CASES*, 321 S.C. 544, 471 S.E.2d 544 (1996), this Court is the proper Court to issue the stay pending the disposition of petitioner's case in the United States Supreme Court.

III.

Petitioner can and plans to raise one or more of following federal constitutional issues as preliminarily framed:

1.

Whether the South Carolina Supreme Court erred by holding it was not error to refuse to instruct the jury of the effect of a not guilty by reason of insanity verdict, and by refusing to allow petitioner *voir dire* on this possible verdict since Due Process and the Eighth Amendment mandated truthful information in a capital case where the jury knows from the time of *voir dire* that it is the probable sentencer?

2.

Whether the South Carolina Supreme Court erred by holding it was not error to deny a motion to suppress evidence obtained as a result of an illegal roadblock conducted by two bored police officers with minimal oversight and excessive discretion because its purpose was to detect ordinary criminal wrongdoing, violating petitioner's right to be free of unreasonable search and seizures under the Fourth Amendment as explained in City of Indianapolis v. Edmond, 531 U.S. 32 (2000)?

3.

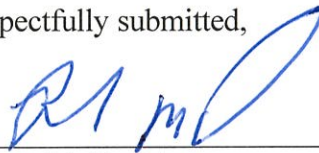
Whether the South Carolina Supreme Court erred by holding it was not error to exclude the penalty phase videotaped testimony of petitioner's mentally ill mother, where the State of New York refused to allow her to travel to testify live, since this was mitigating evidence petitioner had a right to present to the sentencing jury pursuant to the Eighth Amendment to the United States Constitution

as explained in Eddings v. Oklahoma, 455 U.S. 104, 112 (1982) and Lockett v. Ohio, 438 U.S. 586, 604 (1978)?

Based on the above, petitioner requests a ninety day stay of execution from the date of the order denying rehearing, July 19, 2023, in which to file for certiorari in the United States Supreme Court. Counsel does not make this request for purposes of delay.

WHEREFORE, counsel for Timothy Ray Jones, Jr., requests a ninety day stay of execution from July 19, 2023, in which to file a petition for writ of certiorari in the United States Supreme Court.

Respectfully submitted,



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ATTORNEYS FOR PETITIONER

This 20th day of July, 2023.