

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA**

BOBBY WAYNE STONE,)	
)	
Petitioner,)	
)	CASE NO. 2:17-CV- 01221-MGL-MGB
vs.)	
)	
BRYAN P. STIRLING, Commissioner,)	
South Carolina Department of Corrections,)	
and LYDELL CHESTNUT, Deputy)	
Warden, Broad River Correctional)	
Institution,)	
Respondents.)	

JOINT STATUS REPORT

The parties make the following joint status report pursuant to the Court’s order dated February 10, 2023. [ECF No. 145]. Petitioner’s state post-conviction relief action containing a freestanding claim under *Atkins v. Virginia*, 536 U.S. 304 (2002), remains pending. The Honorable William P. Keesley is assigned to the state court matter. On December 1, 2022, Dr. Alicia Hall, Chief Examiner at the South Carolina Department of Disabilities and Special Needs, issued a written report concluding that Mr. Stone “meets the diagnostic criteria for intellectual disability as defined in the South Carolina Code of Laws.” The parties are still awaiting a final report from Mr. Stone’s expert, Dr. Sarah Boyd, but Mr. Stone’s counsel has reported that she will also opine that Mr. Stone has intellectual disability. A potential report by a State expert is being explored. An evidentiary hearing date has not been scheduled. Depositions are to be scheduled after the Court receives Dr. Boyd’s report.

Respectfully submitted,

s/Emily C. Paavola
Emily C. Paavola, Fed ID No. 11488
900 Elmwood Ave., Suite 200

Columbia, South Carolina 29201
(803) 765-1044
Emily@justice360sc.org
ATTORNEY FOR PETITIONER

s/Melody J. Brown
Senior Assistant Deputy Attorney General
Fed ID No. 7979
Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305
ATTORNEY FOR RESPONDENT

March 9, 2023