

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Aug 26 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA,
Respondent,

v.

FREDDIE EUGENE OWENS,
Appellant.

Appellate Case No. 1999-011364

RESPONSE TO EXPEDITED PETITION TO CONSTRUE OR CLARIFY

On Friday, August 23, 2024, this Court issued an Execution Notice for Freddie Eugene Owens¹ setting an execution date of September 20, 2024. Pursuant to S.C. Code Ann. § 24-3-530 (2021), Mr. Owens has a right to elect the manner of his execution, and that election “must be made in writing fourteen days before the execution date.” *Id.* Thus, the written election is due in this case by September 6th. “If the convicted person waives the right of election, then the penalty must be administered by electrocution.” *Id.*

Undersigned counsel has discussed this weighty decision with Mr. Owens many times. He does not wish to endure death by electrocution. However, due to strongly held personal and religious reasons, Mr. Owens does not wish to personally sign the election form and has indicated he will refuse to sign it. Rather than participate in the election process which will bring about his own death, Mr. Owens desires to delegate the election of his method of execution to his counsel.

¹ In 2015, Mr. Owens legally changed his name to Khalil Divine Black Sun Allah, by order of the Dorchester County Family Court.

To effectuate Mr. Owens's wishes, and avoid a potential botched execution by judicial electrocution, counsel prepared a Durable Power of Attorney Agreement (POA) setting forth this delegation. The POA does not violate the plain language or purpose of Section 24-3-530. On the contrary, it safeguards and facilitates the exercise of Mr. Owens's statutory rights.

Following receipt of this Court's Execution Notice, counsel provided the POA to General Counsel for the South Carolina Department of Corrections ("SCDC") and requested confirmation that they would honor it. Earlier this morning, SCDC counsel requested that the POA be recorded with the Richland County Register of Deeds, and undersigned counsel complied. *See Attachment A (Recorded Copy of the POA)*. Therefore, counsel requests that this Court enter an order stating that due to the legally enforceable and properly recorded POA, undersigned counsel may elect a method of execution on Mr. Owens's behalf.

Respectfully submitted,

s/Emily C. Paavola

Emily C. Paavola
900 Elmwood Avenue, Suite 200
Columbia, SC 29201
(803) 765-1044
Emily@Justice360.org

August 26, 2024