

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

IN THE ORIGINAL JURISDICTION

MIKAL D. MAHDI,
Petitioner,

v.

BRYAN P. STIRLING, Commissioner,
South Carolina Department of Corrections
Respondent.

**MOTION FOR STAY OF EXECUTION
PENDING RESOLUTION OF PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Mikal D. Mahdi, through undersigned counsel, requests a stay of execution pursuant to *In re Stays of Execution in Capital Cases*, 321 S.C. 544, 548, 471 S.E.2d 140, 142 (1996). Mahdi's execution is currently scheduled for **April 11, 2025**. Filed contemporaneously with this motion is a Petition for Writ of Habeas Corpus raising circumstances that Mahdi contends "constitute[] a denial of fundamental fairness shocking to the universal sense of justice." *State v. Butler*, 302 S.C. 466, 468, 397 S.E.2d 87, 88 (1990).

The Petition for Writ of Habeas Corpus requests that this Court consider grave constitutional violations, resulting from the ineffective assistance of counsel during Mahdi's sentencing proceedings in violation of *Strickland v. Washington*, 466 U.S. 668 (1984), and new scientific information that has emerged after Mahdi's state post-conviction hearing in 2011, which shows even more clearly the substantial mitigation that the sentencing court should have

been permitted to consider. Specifically, scientific research in the fields of Adverse Childhood Experiences, the harm inflicted by solitary confinement, intergenerational trauma, unconscious bias in prison settings, and adolescent brain development, demonstrates how Mahdi’s prospects for healthy development were completely derailed. Mahdi’s petition thus demonstrates “there are exceptional circumstances warranting the issuance of a stay.” *In re Stays*, 321 S.C. at 548, 471 S.E.2d at 142.

Allowing Mahdi’s execution to proceed while the issues raised in the Petition remain unresolved risks an unjust execution that could not be remedied given the irrevocability of the punishment. *See Murray v. Giarratano*, 492 U.S. 1, 8-9 (1989) (“The finality of the death penalty requires ‘a greater degree of reliability’ when it is imposed.” (citing *Lockett v. Ohio*, 438 U.S. 586, 604 (1978))).

A stay is warranted to allow consideration of the Petition for a Writ of Habeas Corpus because the Petition reveals a “a prima facie showing of substantial merit in his application for” relief. *Moorer v. MacDougall*, 245 S.C. 633, 637, 142 S.E.2d 46, 49 (1965); *see also Barefoot v. Estelle*, 463 U.S. 880 (1983).

Respectfully submitted on March 18, 2025.

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