

The Supreme Court of South Carolina

The State, Respondent,

v.

Stephen Stanko, Appellant.

Appellate Case No. 2025-000889

ORDER

Appellant asks this Court to oversee the execution method certification by the Interim Director of the South Carolina Department of Corrections (SCDC) and seeks information from SCDC concerning the firing squad and lethal injection methods of execution. Appellant further asks for a stay of his execution to permit SCDC to collect and provide the requested information.


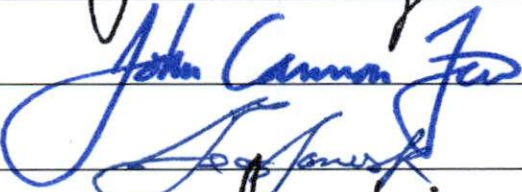


SCDC has developed and implemented protocols and policies to carry out executions by firing squad, and the affidavit of the Interim Director states SCDC has the necessary firearms and ammunition for the execution and that members of the firing squad have completed all required training. Appellant has not shown that any variation in the firing squad execution of Mikal D. Mahdi from that of Brad Keith Sigmon was caused by SCDC's failure to follow the protocols for execution by firing squad or that the Director's certification in Mahdi's case was incorrect or insufficient in any way. Citing the Court's statement in *Owens II*, 443 S.C. at 284, 904 S.E.2d at 600, that "[t]he outer limit of the period of time in which an inmate will suffer pain—unless there is a massive botch of the execution in which each member of the firing squad simply misses the inmate's heart—is hardly more than fifteen seconds," Appellant asserts Mahdi's firing squad execution was not conducted according to protocol because Mr. Mahdi remained conscious longer than expected. However, the autopsy shows the firing squad did not miss Mahdi's heart but shot through the pericardial sac and the right ventricle. Further, Appellant admits that various factors, such as whether the inmate is given anti-anxiety medication prior to the execution and the positioning of the body during the x-ray compared to the positioning during the execution, could account for the

differences in the two executions. The State additionally notes the evidence shows the target was placed on Mahdi's chest as required by protocol, the bullets hit the target, and Mahdi was struck with three bullets.

Appellant has made no showing that Mahdi's execution was "botched" or that protocols were not followed such that Appellant needs further information to make an informed election of the method of his execution. We conclude Appellant is not entitled to the information he seeks about the firing squad.

As to Appellant's request for information about lethal injections, the affidavit of the Interim Director states "lethal injection is available via a single dose of pentobarbital." It further states "the dosage called for by [SCDC's] lethal injection protocol is sufficiently potent such that administration *in accordance with the protocol* will result in death." Appellant asserts the three most recent lethal injections have deviated from the protocol by administering a second dose of pentobarbital; however, the protocol specifically provides for a second dose and subsequent doses, if needed, and states, "This process will continue until the physician determines death has occurred." The reasons for the second dose, and any further doses, of pentobarbital are specifically set forth in the protocol, which was followed in the most recent lethal injection executions. Therefore, Appellant has not shown any need for further information on lethal injection.

Appellant has failed to present any basis for the additional information he seeks. Therefore, the requests are denied. Moreover, because there are no exceptional circumstances warranting a stay of Appellant's execution, the request for a stay is denied. *See In re Stays of Execution in Cap. Cases*, 321 S.C. 544, 548, 471 S.E.2d 140, 142 (1996) (requiring exceptional circumstances warranting the issuance of a stay of execution).

	C.J.
	J.
	J.
D. Hanlon	J.
	J.

Columbia, South Carolina
May 28, 2025

cc:

E. Charles Grose, Jr.
Lindsey Sterling Vann
Emily C. Paavola
Alan McCrory Wilson
Donald J. Zelenka
Melody Jane Brown
Salley Wood Elliott
Barton Jon Vincent
Joseph Welling
Joseph Perkovich
Joel E. Anderson