

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Horry County
Steven H. John, Circuit Court Judge

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OCT 22 2013

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA,

Appellant,

v.

STEPHEN CHRISTOPHER STANKO,

Respondent

Appellate Case No. 2010-154746

RETURN TO MOTION FOR STAY OF EXECUTION

Appellant, Stephen C. Stanko, is a death row inmate previously sentenced to death in Horry County. His convictions and death sentence were recently affirmed by this Court. State v. Stanko, 402 S.C. 252, 741 S.E.2d 708 (February 27, 2013). Petitioner filed a Petition for Writ of Certiorari with the United States Supreme Court, which was recently denied by the United States Supreme Court on October 7, 2013. Petitioner now seeks a stay of execution to pursue potential post-conviction relief (PCR) pursuant to In Re Stays of Execution in Capital Cases, 321 S.C. 544, 471 S.E.2d 140 (1996). In his Motion for a Stay of Execution, Petitioner asserts he will assert numerous grounds of alleged ineffective assistance of counsel in his PCR application. Given the allegations Appellant asserts he will raise in his PCR Application, Respondent does not oppose the stay of execution to pursue potential post-conviction relief (PCR) pursuant to S.C.

Code Ann. Section 17-27-10, et.seq. *and* In re Stays of Execution in Capital Cases because the stay would be appropriate pursuant to In re Stays of Execution in Capital Cases.

Respectfully submitted,

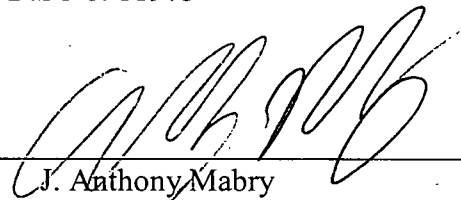
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By: _____



J. Anthony Mabry

ATTORNEYS FOR RESPONDENT
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October 21, 2013

CERTIFICATE OF SERVICE

I, **Anthony Mabry**, hereby certify that I have served the *Return to Motion for a Stay of Execution* in the foregoing action by depositing copy in the Inter Agency mail to Robert M. Dudek, Chief Appellate Defender, Division of Appellate Defender, 1330 Lady Street, Suite 401, Columbia, SC 29201 this 21st day of October, 2013.



ANTHONY MABRY