

Aug 19 2025

STATE OF SOUTH CAROLINA)

S.C. SUPREME COURT

COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS

BOBBY WAYNE STONE,)

Applicant,)

-vs.-)

MEMORANDUM ORDER

STATE OF SOUTH CAROLINA,)

Respondent.)

Heard: July 30-31, 2024, at the Sumter County Judicial Center
Applicant's Attorneys: Charles Grose, Esquire and Rosalind Major, Esquire
Respondent's Attorneys: Melody J. Brown, Sr. Asst. Dep. Atty. Gen., Tommy
Evans, Jr., AAG, and R. Brandon Larrabee, AAG
Court Reporter: Brandi Berry

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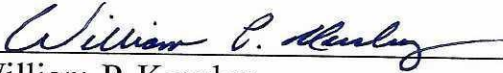
Sergeant Charlie Kubala of the Sumter County Sheriff's Department was murdered by the Applicant on February 26, 1996. For this heinous crime of killing a law enforcement officer acting in the line of duty, the Applicant has been sentenced to death by two juries. The sole issues before the court are whether the Applicant has proven that he is intellectually disabled and exempt from capital punishment pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002) and *Franklin v. Maynard*, 356 S.C. 276, 588 S.E.2d 604 (2003) and whether he can pursue relief through this action. Those cases establish binding precedent that a person who is

intellectually disabled cannot be executed for his crime. The Applicant has met the necessary burden of proof and is eligible to pursue it through this action.

The attorneys for the Applicant are to submit a more detailed proposed order granting the relief requested. That proposed order is to be forwarded directly to the undersigned judge and his law clerk in an email attachment in Microsoft Word format within 20 days, with copies to opposing counsel in the same manner and at the same time. Due to the age of this case, requests for additional time shall be limited.

AND IT IS SO ORDERED.

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William P. Keesley
Circuit Judge, acting on Special Assignment
by the Supreme Court of South Carolina

July 28, 2025