THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED
Jan 16 2026
S.C. SUPREME COURT

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

Case No. 2024-CP-01-00375
Appellate Case No. 2007-054161

Steven Bixby, *Petitioner,*

v.

State of South Carolina, *Respondent.*

PETITIONER'S REPLY BRIEF IN SUPPORT OF PETITION FOR A WRIT OF CERTIORARI

I. The Court should grant certiorari review because there is compelling evidence demonstrating Mr. Bixby's incompetence under *Singleton*, and the State has utterly failed to address it.

The State's Return does not meaningfully respond to Mr. Bixby's petition. Rather than engaging with the serious questions raised about competency, the State offers nearly twenty pages of case summary and recitation of the PCR Court order, an order the State itself drafted, and Judge Sprouse adopted essentially verbatim. The State's self-congratulatory description of its own proposed order adds nothing to this Court's review. More troubling, the State completely ignores the most compelling evidence of Mr. Bixby's incompetence: the experts agreed he suffers from severe personality disorders that can impair competence; his bizarre legal beliefs are fixed, irrational, and prevent meaningful legal communication; and when given the opportunity to address Judge Sprouse, Mr. Bixby delivered a rambling diatribe of nonsensical legalese

disconnected from the hearing he had just witnessed. The State's failure to grapple with this evidence itself warrants certiorari review.

The petition raises a straightforward question. How can Mr. Bixby be competent when the experts agree on facts that demonstrate incompetence? The experts found: Mr. Bixby has narcissistic personality disorder with paranoid and schizotypal traits—severe personality disorders of the type that can impair competence; he has borderline IQ and neurocognitive deficits from childhood trauma and parental indoctrination; and he holds bizarre, fixed beliefs about the legal system that are impervious to rational discussion. These mental impairments prevent Mr. Bixby from satisfying either *Singleton* prong. He cannot understand the nature of his legal proceedings because his personality disorders have distorted his perception of legal reality, and he cannot rationally communicate with counsel because his bizarre, fixed beliefs about his case make it impossible to discuss viable legal strategies.

Despite expert consensus on key facts, Judge Sprouse found Mr. Bixby competent by dismissing his irrational beliefs as mere "disagreement" with counsel. App. 1636-42. The State offers no defense of this reasoning and no explanation for how someone with Mr. Bixby's diagnosed mental impairments and demonstrated inability to engage in rational legal discussion can be competent under *Singleton*. This unexplained disconnect warrants this Court's review.

Most tellingly, the State ignores the most direct evidence of Mr. Bixby's incompetence: his own words at the hearing's conclusion. Judge Sprouse permitted Mr. Bixby to address the court after hearing expert testimony about his capacity to understand proceedings and communicate rationally with counsel. What followed was a ten-minute demonstration of precisely the incapacity Dr. DeMier described. Mr. Bixby did not respond to anything presented at the hearing. He did not address the expert testimony. He did not engage with the actual legal

issues before the court. Instead, he delivered a memorized recitation of bizarre constitutional theories and accusations of judicial conspiracy, stating that Judge Sprouse was "usurping the unauthorized jurisdiction that the Constitution forbids," demanding his "sui juris freedoms back as a party to your own suit nullifying jurisdiction," claiming he had "never been convicted in a court of law," and rambling about "the judicial activisms of the black robe justice system." App. 294-301. This was not rational communication about his case. It was precisely the type of fixed, paranoid ideation that Dr. DeMier identified as rendering Mr. Bixby unable to engage in meaningful legal discussion.[1] The State offers no explanation for how this performance demonstrates competence. The Court should grant review to assess this evidence firsthand.[2]

II. The Court should grant certiorari review to clarify the standard of appellate review and ensure Mr. Bixby receives the personal assessment of competency this Court traditionally conducts in *Singleton* matters.

For more than three decades, this Court has treated *Singleton* cases as matters within its "original jurisdiction" requiring the Court's own "in depth inquiry" into the capital petitioner's mental capacity. *See State v. Torrence*, 317 S.C. 45, 47, 451 S.E.2d 883, 884 (1994); *Hughes v. State*, 367 S.C. 389, 395, 626 S.E.2d 805, 808 (2006). This Court is "not bound by the circuit

[1] Mr. Bixby's irrational display at the hearing was not an anomaly. The record contains Mr. Bixby's pro se documents totaling hundreds of handwritten pages filled with bizarre legal theories that no court would ever accept and that the State simply ignores. App. 630-987, 1646-53. Bixby's filings are strong evidence of his irrational beliefs and inability to engage with legal reality.

[2] Similarly, the State fails to defend the multiple errors of law and reasoning in Judge Sprouse's order. For example, as detailed in the Petition, pp. 27-31, the PCR Court misunderstood the import of prior evaluations and experts' confirmation bias; erroneously suggested only delusions can establish incompetence; and improperly relied on *United States v. Mitchell,* 706 F. Supp. 2d 1148 (D. Utah 2010), and *McCoy v. Louisiana*, 584 U.S. 414 (2018), federal cases that are not relevant to the circumstances presented here. The State's failure to address, much less defend, the PCR Court's legal errors demonstrates that the competency finding will not withstand this Court's scrutiny.

court's findings or rulings" because "it is this Court which must finally determine whether a particular appellant is mentally competent . . . ." *Hughes*, 367 S.C. at 395, 626 S.E.2d at 808. To fulfill this responsibility, the Court has consistently questioned capital petitioners personally during oral argument, assessing their capacity firsthand rather than simply deferring to circuit court factfinding. *See Torrence*, 317 S.C. at 47, 451 S.E.2d at 884; *State v. Passaro*, 350 S.C. 499, 507, 567 S.E.2d 862, 867 (2002); *Hughes*, 367 S.C. at 404, 626 S.E.2d at 813; *Reed v. Ozmint*, 374 S.C. 19, 26, 647 S.E.2d 209, 212 (2007); *Hill v. State*, 377 S.C. 462, 464, 661 S.E.2d 92, 93 (2008); *State v. Motts*, 391 S.C. 635, 647, 707 S.E.2d 804, 810 (2011).[3]

This practice reflects the unique stakes of capital cases and recognizes that competency cannot be determined solely from transcripts and expert reports. The Court must see and hear the condemned person to properly assess their mental capacity. The State's contrary suggestion that this Court should merely defer to PCR factfinding and "supporting evidence in the record" fundamentally misunderstands this Court's established practice in *Singleton* cases. *See* Return, pp. 2, 7-8. Certiorari review is necessary to enforce and maintain the Court's proper role.[4]

The need for this Court's personal assessment is particularly acute because Judge Sprouse made no attempt to engage Mr. Bixby in conversation or questioning. While Judge Sprouse permitted Mr. Bixby to make a statement, he asked no follow-up questions and made no effort to

---

[3] Although these cases involved attempts to waive appeals so the petitioners could be executed, this Court has never suggested any difference between competency to be executed proceedings and proceedings to determine whether a capital petitioner is competent to waive appeals so they can be executed. *Singleton* has been uniformly applied in both contexts.

[4] The State cites *Smalls v. State*, 422 S.C. 174, 810 S.E.2d 836 (2018), for its claim that appellate review of *Singleton* determinations is highly deferential. *See* Return, pp. 7, 16. Yet *Smalls* dealt with ineffective assistance of counsel claims and had nothing to do with execution competency. And in *Smalls* itself, the Court stated that the "standard of review in PCR cases depends on the specific issue before us." 422 S.C. at 180, 810 S.E.2d at 839.

test whether Mr. Bixby could respond coherently to inquiries about his case or engage in rational legal discussion. This is significant because Mr. Bixby's competency turns on whether his paranoid and bizarre beliefs prevent him from understanding proceedings and communicating rationally with counsel. These are questions that can only be answered by conversing with him, not by listening to a prepared statement. For example, though the circuit court in *Hughes* questioned the petitioner, this Court conducted its own questioning at oral argument. 367 S.C. at 403-04, 626 S.E.2d at 812-13. Here, no court has engaged Mr. Bixby in the type of probing conversation necessary to assess his capacity. This procedural deficiency makes certiorari review and this Court's questioning essential. Undersigned counsel are confident that Mr. Bixby's lack of capacity will be evident if the Court speaks with him about his case.[5]

III. Conclusion.

The Court should grant certiorari review given the State's wholesale failure to engage with Mr. Bixby's substantive arguments and avoidance of the substantial evidence pointing toward his incompetency. At this stage, the State has offered the Court nothing more than circular praise of a PCR order that its own counsel drafted, shedding no light on the grave questions before the Court.

This Court's independent review is essential to ensure South Carolina does not execute a man who cannot understand his legal proceedings or communicate rationally with his lawyers, and whose severe mental disorder has left him trapped in an irrational belief system about his

[5] The Court can feel assured that its exchange with Mr. Bixby will be an accurate reflection of his abilities, as Mr. Bixby has maintained consistently that he is not mentally ill and does not wish to be found incompetent. *See* App. 12 (Dr. Ellis testifying that Bixby told him, "I'm not crazy. I'm not a mental health case."); App. 149 (Dr. Frierson testifying that Bixby "objects to [competency] being raised as an issue because he does not believe he . . . lacks the competency to be executed.").

case that prevents him from engaging with reality. The Court's precedents, and fundamental fairness, demand more than a circuit court order that dismisses a profound mental disorder as mere "disagreement" with counsel.

The Court should grant the petition, receive full briefing, conduct oral argument, and personally assess Mr. Bixby's competency through the type of in-depth questioning this Court has employed in capital cases for three decades. Mr. Bixby's life and the integrity of South Carolina's capital punishment system demand no less.

Respectfully submitted on January 16, 2026.

/s/ David Weiss
DAVID WEISS
CAPITAL HABEAS UNIT FOR
THE FOURTH CIRCUIT
129 W. Trade Street, Suite 300
Charlotte, NC 28202
(980) 378-5105
David_C_Weiss@fd.org

GRETCHEN SWIFT
CAPITAL HABEAS UNIT FOR
THE FOURTH CIRCUIT
129 West Trade Street, Suite 300
Charlotte, NC 28202
(980) 378-5105
Gretchen_Swift@fd.org

JOSHUA SNOW KENDRICK (NO. 70453)
KENDRICK & LEONARD, P.C.
P.O. Box 6938
Greenville SC 29606
(864) 760-4000
Josh@KendrickLeonard.com

Counsel for Petitioner
(Swift and Weiss admitted pro hac vice)