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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Sumter County  
Court of Common Pleas

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Appellate Case Number: 2026-000115

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BOBBY WAYNE STONE #5051,

RESPONDENT,

V.

STATE OF SOUTH CAROLINA,

PETITIONER.

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REPLY TO RETURN TO MOTION FOR APPOINTMENT OF OUTSIDE COUNSEL

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Respondent, Bobby Wayne Stone, by and through his undersigned counsel, makes the following reply to Petitioner's return to his motion for the appointment of outside counsel.

Respondent agrees and has no objection to the appointment of two attorneys in this capital PCR appeal. As Petitioner correctly stated, the PCR statute, S.C. Code 17-27-160 provides for the appointment of two attorneys in the circuit court proceedings but is silent to the number of attorneys to be appointed on appeal. Doing so would be in line with the national standard of care in capital proceedings, as set forth in *the American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*, which contemplates "[q]uality representation" in state collateral review proceedings and recognizes that a capital "defense team should consist of no fewer than two attorneys," irrespective of which particular stage of review the

case is at. 31 Hofstra L. Rev. 913, 932–35, 952, 955.<sup>1</sup> Doing so would also be in line with this Court’s practice of appointing two attorneys in capital PCR appeals. *E.g.*, *Jerry Buck Inmon v. State*, Appellate Case No. 2020-000881 (Diana Holt and E. Charles Grose); *Ricky Lee Blackwell v. State*, Appellate Case No. 2025-001377 (Rosalind S.D. Major and Brianna L. Cruz); *Gary Dubose Terry v. State*, Appellate Case No. 2025-001760 (Allison Franz and Brianna L. Cruz).

As set forth in Respondent’s motion for appointment of outside counsel, Attorney Grose has indicated that because of his current case load, he is unable to handle this appeal but submits that he would be available to assist Respondent’s appointed counsel in a *pro bono* capacity. If the Court is inclined to appoint two attorneys in this matter, Respondent respectfully requests this Court appoint Brianna L. Cruz as the second attorney in this appeal. Respondent maintains his request that Rosalind S.D. Major be appointed to represent as an attorney in this matter irrespective of the Court’s inclination to appoint one or two attorneys. Attorney Cruz works with Ms. Major at Justice 360 and has become well-acquainted with the transcript of Petitioner’s evidentiary hearing and subsequent pleadings. Further, undersigned counsel are intimately familiar with the facts and diagnostic issues in Respondent’s case, including the trial, appeal, and PCR records and the intellectual disability evaluations presented at Respondent’s evidentiary hearing. In short, appointing the undersigned to represent Respondent would conserve state resources and serve the interest of judicial economy.

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<sup>1</sup> This Court has recognized these guidelines as authoritative on the question of what is required for counsel to be effective in capital cases. *Council v. State*, 380 S.C. 159, 670 S.E.2d 356 (2008); *Ard v. Catoe*, 372 S.C. 318, 332, 642 S.E.2d 590, 597 (2007).

Respectfully, for the above reasons and the reasons set forth in Respondent's motion, this Court should grant Respondent's motion for the appointment of outside counsel and appoint Rosalind S.D. Major and Brianna L. Cruz to handle this appeal.

Respectfully submitted,

s/ Rosalind S.D. Major  
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February 6, 2026.