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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

S.C. SUPREME COURT

BOBBY WAYNE STONE)	
)	CIVIL ACTION NO. <u>2:17-mc-00136-MGL-MGB</u>
<i>Petitioner,</i>)	
v.)	MOTION FOR STAY OF EXECUTION
BRYAN P. STIRLING, Commissioner,)	AND APPOINTMENT OF COUNSEL
South Carolina Department of Corrections,)	
and JOSEPH MCFADDEN, Warden,)	
Lieber Correctional Institution)	
)	
<i>Respondents.</i>)	

THIS IS A CAPITAL CASE.

Bobby Stone is an indigent prisoner under sentence of death imposed by the Sumer County, South Carolina, Court of General Sessions. Through undersigned counsel, Stone requests that this Court stay his execution, which is **currently scheduled for Friday, April 21, 2017,**¹ and appoint counsel to represent him in the preparation, presentation, and litigation of his first federal petition for a writ of habeas corpus. Specifically, Stone requests that this Court appoint John H. Blume, of Ithaca, New York, and Emily C. Paavola, of Columbia, South Carolina, to represent him. In support of this motion, counsel submit the following facts and argument.

I. RELEVANT PROCEDURAL HISTORY.

Stone was convicted and sentenced to death on January 28, 1997, for the shooting death of a sheriff's deputy in Sumter, South Carolina. On direct appeal, the South Carolina Supreme Court reversed the death sentence and remanded for a new sentencing proceeding. *State v. Stone*, 350 S.C. 442, 567 S.E.2d 244 (2002). Following a second sentencing proceeding, Stone was again

¹ The South Carolina Supreme Court issued the remittitur on March 29, 2017, and served the death warrant on March 30, 2017. Per South Carolina law, Stone's execution is scheduled for the fourth Friday following issuance of the remittitur to the circuit court. S.C. Code § 17-25-370; *In re: Stays of Execution in Capital Cases*, 321 S.C. 544, 546-47, 471 S.E.2d 140, 141 (1996). Accordingly, the execution date is April 21, 2017.

sentenced to death on February 27, 2005. He timely appealed, and the South Carolina Supreme Court affirmed his second death sentence on direct review. *State v. Stone*, 376 S.C. 32, 655 S.E.2d 487 (2007). Rehearing was denied on January 23, 2008. Stone did not seek a petition for writ of certiorari from the United States Supreme Court, and his time to do so expired on April 22, 2008.

Stone properly filed an application for post-conviction relief (“PCR”) on April 7, 2008. At that time, zero (0) days had elapsed on the one year limitations period for filing a federal habeas corpus petition as prescribed by 28 U.S.C. § 2244(d). This is because the federal statute of limitations does not begin running until “the date on which the judgment became final by the conclusion of direct review *or the expiration of the time for seeking such review.*” 28 U.S.C. 2244(d)(1)(A) (emphasis added); *see also, Crawley v. Catoe*, 257 F.3d 395, 400 (4th Cir. 2001) (“the limitation of action begins to run when the conviction is final under § 2244(d)(1)(A) only when the availability of direct appeal has been exhausted, which includes the denial of a certiorari petition to the United States Supreme Court *or the expiration of time for seeking such review.*”) (emphasis added).

The state PCR court held an evidentiary hearing at which Stone was represented by John Blume and Robert Lominack. At the conclusion of the hearing, and with the consent of Stone, Robert Lominack was relieved and Emily Paavola was substituted as counsel for Stone. The PCR court denied relief and Stone timely appealed. He was represented for the duration of the PCR appeal by Blume and Paavola, and the South Carolina Supreme Court’s denial of relief became final on March 29, 2017. Stone’s PCR application remained pending, and operated to toll the limitations period, until March 29th, on which date his 365 days on the federal statute of limitations began running. *See* 28 U.S.C. § 2244(d)(2) (“The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim

is pending shall not be counted toward any period of limitation under this subsection.”). Thus, Stone has until March 29, 2018 to file his federal habeas corpus petition.

II. THE COURT MUST ENTER A STAY AND APPOINT COUNSEL TO REPRESENT MR. STONE IN HIS FIRST FEDERAL HABEAS CORPUS PROCEEDING.

Pursuant to 18 U.S.C. § 3599, indigent death-sentenced prisoners are “entitled to the appointment of one or more attorneys” in order to pursue federal habeas corpus remedies. The right to counsel conferred by section 3559 attaches prior to the filing of a prisoner’s habeas petition. As the Supreme Court has explained, absent this pre-petition right to counsel, condemned prisoners would not have meaningful access to the remedy of habeas corpus:

Congress’ provision of a right to counsel under [§3559] reflects a determination that quality legal representation is necessary in capital habeas corpus proceedings in light of “the seriousness of the possible penalty and . . . the unique and complex nature of the litigation.” An attorney’s assistance prior to the filing of a capital defendant’s habeas corpus petition is crucial because ‘the complexity of our jurisprudence in this area . . . makes it unlikely that capital defendants will be able to file successful petitions for collateral relief without the assistance of persons learned in the law.’

McFarland v. Scott, 512 U.S. 849, 855-856 (1994) (quoting *Murray v. Giarratano*, 492 U.S. 1, 14 (1989) (Kennedy, J., joined by O’Connor, J., concurring in the judgment)).

In construing § 3599 to require appointment of counsel prior to the filing of the petition, the Supreme Court explained that Congress provided for investigative and expert resources to be made available to counsel upon request and a showing of need. Since these services “may be critical in the pre-application phase of a habeas corpus proceeding, when possible claims and their factual bases are researched and identified,” Congress clearly intended counsel to be appointed prior to the filing of the habeas petition. *McFarland*, 512 U.S. at 855. It is thus plain that the right to counsel conferred by section 3599 is a right to assistance in identifying, developing, and pleading all available claims for relief.

Moreover, “the right to counsel necessarily includes a right for that counsel meaningfully to research and present a defendant’s habeas claims. Where this opportunity is not afforded, ‘[a]pproving the execution of a defendant before his [petition] is decided on the merits would clearly be improper.’” *Id.* at 858 (quoting *Barefoot v. Estelle*, 463 U.S. 880, 889 (1983)). Accordingly, once a capital defendant invokes his right to appointed counsel, this Court has jurisdiction to enter a stay of execution. *Id.*; *see also, id.* at 857 (“Even if the District Court had granted McFarland’s motion for appointment of counsel and had found an attorney to represent him, this appointment would have been meaningless unless McFarland’s execution also was stayed.”).

The appointment provision of 18 U.S.C. § 3599 requires appointment of at least one attorney who has been admitted to practice in the court of appeals for not less than five years and who has not less than three years of experience in the handling of appeals in that court in felony cases. §3599(b). Alternatively, for good cause, this Court may appoint counsel “whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration to the seriousness of the possible penalty and to the unique and complex nature of litigation.” §3599(d).

Undersigned counsel, John H. Blume, received a B.A. from the University of Chapel Hill (1978), a M.Div. from the Yale Divinity School (1982), and a J.D. Yale Law School (1984). After graduating from law school, he clerked for the Honorable Thomas A. Clark, United States Court of Appeals for the Eleventh Circuit, and was admitted to the South Carolina Bar in 1985. Since that time, he has been an Associate at a law firm in Charleston, S.C. (McClain & Derfner), Charleston, SC), a partner in a Columbia S.C. law firm (Bruck & Blume), the Executive Director of the South Carolina Death Penalty Resource Center and, since 1997, a Professor of Law at

Cornell Law School where he also serves as Director of the Cornell Death Penalty Project. Mr. Blume has argued eight capital cases in the Supreme Court of the United States, and numerous cases in the federal courts of appeal including arguments before the Second, Fourth, Fifth, Seventh, Ninth and Eleventh Circuits. He represents or has represented more than seventy-five death row inmates or persons facing the death penalty at trial, on direct appeal and in state and federal post-conviction proceedings in South Carolina as well as in Alabama, California, Georgia, Illinois, Texas and Virginia. He has been appointed to represent indigent death sentenced inmates in the District of South Carolina on multiple occasions from 1986 to the present. He is presently on this Court's CJA Death Penalty Panel Attorney List as approved lead counsel.

Emily C. Paavola is the Legal Director of Justice 360 (formerly "the Death Penalty Resource & Defense Center"). She is a 2005 graduate of Cornell Law School. She is licensed and admitted in New York, South Carolina, the United States District Court for the District of South Carolina, the Fourth Circuit Court of Appeals, and the Supreme Court of the United States. After law school, she served as a Project Fellow for the Cornell Death Penalty Project in Ithaca, New York, and then practiced as an associate in the business litigation practice group at Baker & Daniels LLP in Indianapolis, Indiana, where she handled civil matters primarily in federal court and also provided *pro bono* representation to death sentenced inmates in capital post-conviction proceedings. Ms. Paavola moved to South Carolina in 2008, and has spent the past nine years exclusively handling death penalty cases in state and federal court. She has represented approximately twenty death-row inmates or persons facing the death penalty at trial, on direct appeal and in state and federal post-conviction proceedings in South Carolina. She is also listed as approved lead counsel on this Court's CJA Death Penalty Panel Attorney List.

III. STONE WAIVES AN INVESTIGATION UNDER *MARTINEZ V. RYAN*.

As indicated above in section II, Bobby Stone was represented in his state collateral review proceedings by both Blume and Paavola. Under *Martinez v. Ryan*, 566 U.S. 1 (2012), Stone is permitted to request new, independent counsel to investigate whether prior collateral review counsel (i.e., Blume and Paavola) were ineffective, which Stone could assert as “cause” to excuse otherwise procedurally barred ineffective-assistance-of-trial-counsel claims. See, e.g., *Juniper v. Davis*, 737 F.3d 288, 290 (4th Cir. 2013); *Gray v. Pearson*, 526 Fed. Appx. 331, 334 (4th Cir. 2013). Thus, if Stone desired to pursue an investigation into potential *Martinez* claims, he would be entitled to the appointment of at least one independent attorney because undersigned counsel cannot reasonably be expected to identify and investigate potential errors that they themselves may have made in state post-conviction proceedings. See *Gray*, 526 Fed. Appx. at 334.

However, as set forth in his attached declaration, Stone strongly desires to retain current counsel for his federal habeas corpus proceedings, and he does not wish to investigate or pursue potential *Martinez* claims. See Exhibit A, Declaration of Bobby Wayne Stone. He therefore wishes to waive any rights he has under *Martinez v. Ryan*, 566 U.S. 1 (2012). Because this course of action involves the waiver of undersigned counsel’s own potential ineffectiveness, Blume and Paavola requested that Stone meet with two experienced attorneys who could offer him independent advice on this decision. As set forth in their respective affidavits, attorneys John Warren and Charles Grose met with Stone to ensure that he fully understands the rights he now seeks to waive and that his waiver was made knowingly and intelligently. See Exhibits B and C. After receiving outside advice from attorneys Warren and Grose, Stone maintains his position that he wishes to waive a *Martinez* investigation in order to retain Blume and Paavola as his federal habeas counsel.

IV. CONCLUSION.

Wherefore, for the foregoing reasons, this Court should enter an order staying Stone's execution and appointing John H. Blume as lead counsel, and Emily C. Paavola as second-chair to assist Stone in the preparation and filing of a timely petition for habeas relief.

Respectfully submitted,

s/Emily C. Paavola

John H. Blume, Fed ID #1630
Cornell Law School
158 Myron Taylor Hall
Ithaca, New York 14853
(607) 255-1030
John@blumelaw.com

Emily C. Paavola, Fed ID#11488
Justice 360
900 Elmwood Ave., Suite 200
Columbia, South Carolina 29201
(803) 765-1044
Emily@justice360sc.org

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

BOBBY WAYNE STONE)

Petitioner,)

v.)

BRYAN P. STIRLING, Commissioner,)
South Carolina Department of Corrections,)
and JOSEPH MCFADDEN, Warden,)
Lieber Correctional Institution)

Respondents.)

CIVIL ACTION NO. 2:17-mc-00136-MGL-MGB

I, Emily C. Paavola, hereby certify that I have this date served the Motion for Stay of Execution and Appointment of Counsel in the above-captioned case upon counsel for respondent via US mail:

Alphonso Simon
SC Attorney General's Office
P.O. Box 11549
Columbia, SC 29211
(803) 734-6305

March 31, 2017

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S.C. SUPREME COURT

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Bobby Wayne Stone,)
)
Petitioner,)
)
v.)
)
Bryan P. Stirling, Commissioner,)
South Carolina Department of Corrections,)
)
Respondent.)
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DECLARATION OF BOBBY WAYNE STONE

1. I, Bobby Wayne Stone, am the petitioner in the above captioned case. I am incarcerated at Lieber Correctional Institution in Ridgeville, South Carolina.

2. I understand that the South Carolina state courts have denied relief on all of my direct appeal and post-conviction relief claims, and my case is now ready for federal habeas corpus review.

3. I further understand that under *Martinez v. Ryan*, 132 S. Ct. 1309 (2012), I may have new attorneys appointed to represent me in my federal habeas proceedings who could then investigate to see if there are any claims of ineffective assistance of trial counsel that my current post-conviction attorneys, John Blume and Emily Paavola, failed to raise in my state post-conviction relief proceedings. However, I do not want to have new attorneys appointed to represent me. Instead, I want to keep my current attorneys and waive any investigation into potential *Martinez* claims and my right to raise *Martinez* claims if any would be uncovered.

4. Mr. Blume and Ms. Paavola have advised me about the decision in *Martinez*, its importance in capital habeas cases, and the risks involved with my decision to waive my rights

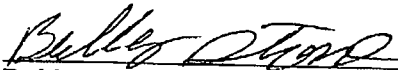
under that case. They also told me they wanted me to speak privately with independent attorneys who could offer me their own advice about these issues.

5. On March 10, 2017, I met with attorneys Charles Grose and John Warren, who also spoke to me about *Martinez* and the consequences of the decision I was considering.

6. After receiving this advice and thinking about this issue carefully, I still strongly desire to keep my current attorneys and waive a *Martinez* investigation. I understand that by waiving this investigation, I cannot raise new claims of ineffective assistance of trial counsel in my petition for federal habeas corpus that were not already raised in my state court proceedings below.

7. This decision was my own decision and no one pressured or even encouraged me to waive potential *Martinez* claims.

I declare, under the penalty of perjury, that the above statements are true and correct.


Bobby Wayne Stone

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Bobby Wayne Stone,)
)
Petitioner,)
)
v.)
)
Bryan P. Stirling, Commissioner, South)
Carolina Department of Corrections,)
)
Respondent.)
_____)

AFFIDAVIT OF JOHN L. WARREN III

1. I, John L. Warren III, am an attorney with Simmons Law Firm, LLC in Columbia, South Carolina.
2. I am a member of the South Carolina Bar and am also admitted to practice before the United States District Court, District of South Carolina and the Fourth Circuit Court of Appeals.
3. I graduated from the University of South Carolina with Honors from the South Carolina Honors College in 2009 and Elon University School of Law in 2013. I became a member of the South Carolina Bar on November 18, 2013.
4. During my time in law school, I clerked exclusively for John S. Simmons of Simmons Law Firm. During such time, I worked on various medical malpractice, criminal defense, wrongful death, personal injury, and *qui tam* whistleblower cases. I also drafted a victorious appellate brief in a multi-million dollar civil lawsuit in the Fourth Circuit Court of Appeals.
5. Following graduation from law school, I accepted a position as a law clerk to Justice John W. Kittredge of the South Carolina Supreme Court. I clerked for Justice Kittredge for two years. In that position, I was exposed to many aspects of South Carolina law, including complex

constitutional, civil, criminal, and death penalty cases. My primary job responsibilities included researching complex legal questions and drafting bench memoranda for members of the Court. During this time, I learned a great deal about capital litigation in the State of South Carolina and worked on several capital cases.

6. In August 2016, after the conclusion of my two-year judicial clerkship, I began working for Simmons Law Firm as an Associate Attorney. Simmons Law Firm is a small boutique litigation firm in Columbia, South Carolina that currently employs three attorneys. Although we are a general practice, we typically litigate medical malpractice, constitutional litigation, personal injury, white-collar criminal defense, and *qui tam* whistleblower actions.

7. In addition to the practice areas outlined above, I have recently been appointed second chair counsel for Mikal Deen Mahdi in a pending capital habeas case assigned to Judge Cain in the District of South Carolina.

8. My representation of Mr. Mahdi entails dealing with a number of complex substantive and procedural legal issues, including claims pursuant to *Martinez v. Ryan*, 132 S. Ct. 1309 (2012). Accordingly, I have become very familiar with the legal issues surrounding *Martinez* and the importance of litigating *Martinez* claims in order to establish cause for default of claims of ineffective assistance of counsel.

9. Sometime in late February, Emily Paavola asked me to meet with her client, Bobby Wayne Stone. Ms. Paavola explained that Mr. Stone had recently expressed a strong preference for waiving an investigation into potential *Martinez* claims in order to retain his current state post-conviction counsel, Ms. Paavola and John Blume, for his federal habeas corpus proceedings. Ms. Paavola stated that she and Mr. Blume believed that Mr. Stone should receive independent counsel and advice on this issue and asked if I would be willing to discuss the matter with Mr. Stone. On

March 10, 2017, I, along with Charles Grose, met with Bobby Wayne Stone at Lieber Correctional Institution.

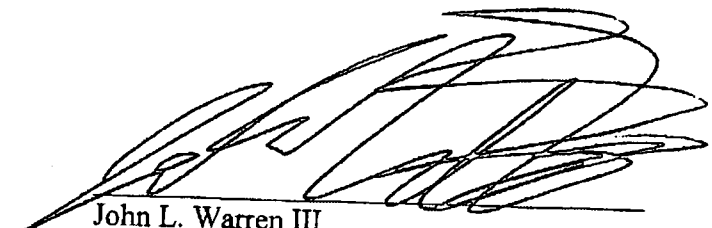
10. I am generally familiar with Mr. Stone's case, having read the published opinions by the Supreme Court of South Carolina related to his capital case.

11. During that meeting, Mr. Grose and I counseled Mr. Stone about the importance of *Martinez*, its role in capital habeas cases, and the risks associated with Mr. Stone's proposed plan to waive an investigation into any potential *Martinez* claims.

12. Mr. Grose and I spent approximately two hours with Mr. Stone. Based on my lengthy meeting with Mr. Stone, it is my opinion that Mr. Stone understands the Court's decision in *Martinez*; he understands the importance and potential benefits of being able to raise *Martinez* claims if his state post-conviction counsel failed to raise any meritorious issues; and, he has voluntarily, knowingly, and intelligently chosen to waive any *Martinez* claims so that he can retain his current state post-conviction counsel during his federal habeas case.


13. To that end, Mr. Stone emphasized that no one has pressured him into waiving potential *Martinez* claims and that he has made the choice to do so of his own free will.

FURTHER AFFIANT SAYETH NOT.


John L. Warren III

State of South Carolina
County of Richland

Sworn to and subscribed before me
This 22 day of March 2017.


Notary Public

My Commission Expires: 8/30/20

STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF E. CHARLES GROSE, JR.
COUNTY OF GREENWOOD)

E. Charles Grose, Jr., being first duly sworn, swears and affirms that the following is true to the best of my knowledge:

1) I was admitted to practice law in the State of South Carolina on May 17, 1993 and the United States District Court for the District of South Carolina on February 23, 1994. I am also admitted to practice law in the Supreme Court of the United States and the United States Court of Appeals for the Fourth Circuit.

2) From 1993-1996, I was an Associate Attorney with Grimbball & Cabanis P.A. in Charleston South Carolina. In 1996, I became an Assistant Public Defender in Orangeburg County, South Carolina. When I left that office in 1999, I was the Deputy Public Defender. From 1999-2008, I was the Chief Public Defender for Greenwood and Abbeville Counties, South Carolina. Upon implementation of the Indigent Defense Act of 2007, I was appointed the Circuit Public Defender for the Eighth Judicial Circuit (Abbeville, Greenwood, Laurens, and Newberry Counties), serving a term from August 2008 to August 2012. I am currently a sole practitioner in Greenwood, South Carolina. Throughout my career I have tried numerous felony cases.

3) I am certified by the South Carolina Supreme Court to be lead counsel in capital cases and am approved as first chair on the CJA Death Penalty Attorney List for the United States District Court for the District of South Carolina. My capital trial court experience includes: *State v. Bennie Ray Brown*, Laurens County Warrant Numbers I-556766-67, J-619971-77, who was found to suffer from Intellectual Disabilities pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002); *State v. Bixby*, Abbeville County Case

Numbers 2004-GS-01-321, 322 and *State v. Bixby*, 388 S.C. 528, 698 S.E.2d 572 (2010) as trial and appellate counsel; *State v. Steven A. Tinch*, Abbeville County Case Number 2006-GS-01-417, 419, which resulted in a guilty plea and a forty-five year sentence; *State v. Domonique O. Brown*, Laurens County Case Number 2007-GS-30-220, which resulted in a guilty plea and a thirty-year sentence; *State v. Anthony A. Myers*, Greenwood County Case Number 2000-GS-24-1170, which resulted in a guilty plea and sentence of life imprisonment without the possibility of parole; and *State v. Barry L. Ervin*, Greenwood County Case Number 1998-GS-24-1770, which resulted in a guilty plea and sentence of life imprisonment without the possibility of parole. I represented John Kennedy Hughey in his capital post-conviction relief case, subsequent appeals, and resentencing to life imprisonment. Abbeville County Case No. 1996-GS-01-220 and 2000-CP-01-210 and *Hughey v. State*, (S.C.S.Ct. Op. No. 2015-UP-029) (Filed May 13, 2015) *cert. denied South Carolina v. Hughey*, 136 S.Ct. 1659 (2016). I am currently state post-conviction counsel in *William O. Dickerson, Jr. v. State*, Charleston County Cases Number 2012-CP-10-3216, and *Jerry Buck Inman v. State*, Pickens County Case Number 2012-CP-39-00918. I am counsel in *Donald Jones v. State*, Lancaster County Case No. 2001-CP-29-1030, a competency to be executed proceeding. I am federal *habeas* counsel in *Mikal D. Mahdi v. Sterling, et. al*, 8:16-cv-03911-TMC-JDA and *Stephen Corey Bryant v. Sterling et. al.*, 9:16-cv-01423-DCN-BM, which is stayed pending a state court determination of Intellectual Disabilities pursuant to *Atkins* in *Bryant v. State* in *Bryant v. State*, Sumter County Case No. 2016-CP-43-828.

3) My death penalty training includes but is not limited to the Annual National Federal *Habeas Corpus* Seminar, (2015, 2014, 2013, and 2011); NAACP Legal

Defense & Educational Fund, Inc.'s Annual Capital Punishment Training Conference, Airlie Conference Center, Warrenton, VA (2012, 2010, and 2005); and Capital Case Initiative, sponsored by South Carolina Commission on Indigent Defense (2013, 2012, 2011, and 2010).

4) I am also a former member of the Board of Directors of Justice 360, which was formerly known as the Death Penalty Resource & Defense Center and the Center for Capital Litigation and was designated by this Court as a Community Defender Organization authorized to provide representation, assistance, information and other matters related to federal death penalty *habeas corpus* cases. *See In re: Amendments to the Plan on the United States District Court for the District of South Carolina for Implementing the Criminal Justice Act*, filed May 25, 2010.

5) I am familiar with *Martinez v. Ryan*, 132 S.Ct. 1309 (2012). My representations of Mr. Mahdi and Mr. Bryant involve investigating potential *Martinez* issues. I am also familiar with *Juniper v. Davis*, 737 F.3d 288, 290 (4th Cir 2014) holding, "If a federal habeas petitioner is represented by the same counsel as in state habeas proceedings, and the petitioner requests independent counsel in order to investigate and pursue claims under *Martinez* in a state [like South Carolina] where the petitioner may only raise ineffective assistance claims in an 'initial review collateral proceeding,' qualified and independent counsel is ethically required."

6) John Blume and Emily Paavola represent Bobby Wayne Stone in his state capital post-conviction relief case. Because Mr. Stone expressed a strong preference for retaining his current counsel for his federal habeas petition, Mr. Blume and Ms. Paavola

asked John Warren and me to meet with Mr. Stone to make sure he understands his right to independent counsel to investigate potential *Martinez* claims.

7) On March 10, 2017, Mr. Warren and I met with Mr. Stone at length at Lieber Correctional Institution. During the meeting, we counseled Mr. Stone about the significance of *Martinez*, its role in capital cases, his right to request independent counsel, and the risks and consequences of waving an investigation into potential *Martinez* claims. Mr. Stone explained why he desires to continue with current counsel. We answered all of Mr. Stone's questions.

8) Based on the meeting, it is my opinion that Mr. Stone understands *Martinez*, the potential benefits of being able to investigate and raise *Martinez* claims, and the risks and consequences of waiving independent counsel to investigate potential *Martinez* claims. It is also my opinion that Mr. Stone knowingly and intelligently decided to waive independent counsel to investigate potential *Martinez* claims.

9) Based on the meeting, it is also my opinion that Mr. Stone has made a voluntary decision to waive independent counsel to investigate potential *Martinez* claims and continue with his current counsel. He stated that no one has pressured or coerced him to make this decision and expressed a strong desire to continue with current counsel.

Further affiant sayeth naught.



E. Charles Grose, Jr.

Sworn to and subscribed before me

this 24th day of March, 2017

May J. Lovland
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 5-30-17