

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
Roger L. Couch, Circuit Court Judge

RECEIVED

JUN 15 2017

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

RICKY LEE BLACKWELL,

PETITIONER.

APPELLATE CASE NO. 2014-000610

PETITION FOR STAY OF EXECUTION

Counsel for Ricky Lee Blackwell petitions this Court for a stay of execution to allow him to file a petition for writ of certiorari with the United States Supreme Court. This Court denied affirmed Blackwell's conviction and death sentence on May 31, 2017.

I.

This Court affirmed petitioner's murder and kidnapping convictions and his death sentence in State v. Ricky Lee Blackwell, Opinion No. 27722, Shearouse's Adv. Sh. 22 at pp. 16-61 (filed May 31, 2017).

II.

A petition for writ of certiorari to the United States Supreme Court is now petitioner's proper avenue for relief from the judgment of this Court affirming his murder conviction and sentence of death. Supreme Court Rule 13.1. Pursuant to *In re STAYS OF EXECUTION IN CAPITAL CASES*, 321 S.C. 544, 471 S.E.2d 544 (1996), this Court is the proper Court to issue the stay of execution pending the disposition of petitioner's case in the United States Supreme Court.

IV.

Petitioner can raise federal issues, preliminarily framed, in the United States Supreme Court, including but not limited to:

1.

Whether the South Carolina Supreme Court disregarded this Court's precedents in Hall v. Florida and Moore v. Texas when it upheld the finding of a trial judge who eschewed expert testimony and methodology in favor of his own ad-hoc approach in concluding that petitioner—whose IQ on nationally standardized and normed tests was 63 and 68, who the experts agreed had multiple significant deficits in adaptive functioning, and who the state's expert agreed that any notion that petitioner's intellectual deficits did not manifest during the developmental period was pure speculation—was not intellectually disabled?

2.

Whether the South Carolina Supreme Court erred by holding that petitioner's right to present substantial evidence in mitigation was not denied by the trial court's improper refusal to

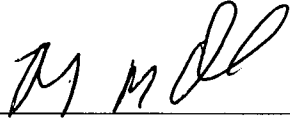
review the mental health records of petitioner's estranged wife, the prosecution's star witness, that it previously ordered disclosed, before barring petitioner from using the records to impeach his wife where the records revealed his wife used the decedent child of her paramour to taunt the intellectually disabled petitioner into committing the murder ,and the trial court's error also violated petitioner's rights under the Confrontation Clause of the Sixth and Fourteenth Amendments?

3.

Whether, in violation of the Eighth Amendment's commandment that the rules of evidence shall not be mechanically construed to exclude mitigating evidence during capital sentencing, the South Carolina Supreme Court erred in affirming the exclusion of appellant's contemporaneous remorse contained in the records of a hospital chaplain to rebut testimony from a police officer who claimed appellant said "the only thing that I'm sorry about is that I didn't do a better job on myself"?

WHEREFORE, counsel for Ricky Lee Blackwell requests a ninety day stay of execution from May 31, 2017, in which to file a petition for writ of certiorari in the United States Supreme Court.

Respectfully submitted,

By: 

Robert M. Dudek
Chief Appellate Defender

David Alexander
Appellate Defender

ATTORNEYS FOR APPELLANT.

June 15, 2017

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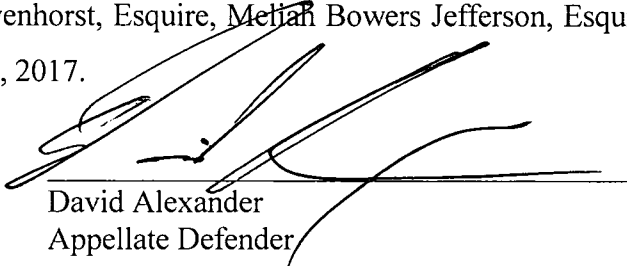
V.

RICKY LEE BLACKWELL,

PETITIONER.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Stay of Execution in the above referenced case has been served upon opposing counsel, Melody J. Brown, Esquire, as well as Patricia Standaert Ravenhorst, Esquire, Melian Bowers Jefferson, Esquire, and Ricky Lee Blackwell this 15th day of June, 2017.


David Alexander
Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 15th day of June, 2017.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: May 2, 2027.