

STATE OF SOUTH CAROLINA  
In the Supreme Court

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JUN 21 2017

\*CAPITAL CASE\*

S.C. SUPREME COURT

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

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The State of South Carolina,

Respondent,

v.

Ricky Lee Blackwell,

Petitioner.

Appellate Case No. 2014-000610

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**RETURN TO PETITION FOR STAY OF EXECUTION**

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Respondent State of South Carolina hereby makes a Return to the Petition for Stay of Execution filed June 15, 2017. In Opinion No. 27722 issued on May 31, 2017, this Court affirmed Petitioner's murder and kidnapping convictions, and his sentence of death. The Court subsequently issued the Remittitur on June 16, 2017. Petitioner now seeks a stay of execution in order to petition the Supreme Court of the United States for a writ of certiorari. Respondent does not oppose the stay request for the following reasons:

1. In *In Re Stays of Execution In Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (1996), this Court set out the circumstances under which such a stay would be appropriate. The Court will grant a request for stay of execution for ninety (90) days from the date of remittitur if the petitioner shows an issue of federal law was raised and ruled upon so as to be preserved for review by the Supreme Court. 321 S.C. at 545, 471 S.E.2d at 141.

2. Petitioner has offered at least one question that is so preserved. (See Petition, pp. 2-3). Therefore, under *In Re Stays*, Respondent does not oppose the petition for stay of execution.

However, Respondent maintains there is no likelihood of success on the merits for the reasons set out in this Court's Opinion.

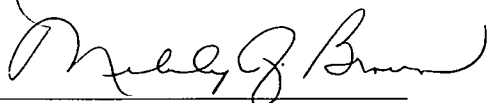
THEREFORE, for all the foregoing reasons, Respondent does not oppose the requested stay of execution for ninety (90) days from the date of the Remittitur pursuant to *In re Stays*. Alternatively, as Petitioner has requested only a ninety (90) day stay of execution from the date of the opinion, (see Petition, p. 4), Respondent does not oppose the shortening of the stay to the time actually requested by Petitioner.<sup>1</sup>

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

BY:   
MELODY J. BROWN  
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(803) 734-6305

June 21, 2017.  
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

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<sup>1</sup> Because Petitioner did not file a petition for rehearing, his ninety (90) days to file a timely petition in the Supreme Court of the United States begins to run on the date of the Opinion. See Rule 13(3), Supreme Court Rules.

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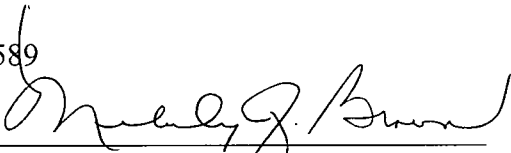
Appellate Case No. 2014-000610

**PROOF OF SERVICE**

I, Melody J. Brown, certify that I have served Respondent's *Return to Petition for Stay of Execution*, on Petitioner by depositing one copy of same in the United States mail, postage prepaid, to counsel of record, addressed as follows:

Robert M. Dudek, Chief Appellate Defender  
David Alexander, Appellate Defender  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

This 21<sup>st</sup> day of June, 2017.

  
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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ATTORNEY FOR RESPONDENT