

Hopkins, Debbie

From: John Warren <jwarren@simmonsfirm.com>
Sent: Monday, November 6, 2017 11:58 AM
To: Hopkins, Debbie; john@blumelaw.com; lbrawley@scag.gov; mbrown@scag.gov; sbutterbaugh@scag.gov; emily@justice360sc.org; asimon@scag.gov
Subject: RE: response to inquiry in death penalty habeas case of 2:17-cv-01221-MGL-MGB Stone v. Stirling et al

Debbie,

I just received an email from Judge Lewis's law clerk regarding the State's request for an execution date in Mr. Stone's case. We will be hand delivering a response to the State's request this afternoon. We would ask that the Court consider our response prior to setting an execution date.

-John Warren, on behalf of Mr. Stone's counsel of record

-----Original Message-----

From: Allison_Rogers@scd.uscourts.gov [mailto:Allison_Rogers@scd.uscourts.gov]
Sent: Monday, November 6, 2017 11:22 AM
To: djhopkins@sccourts.org; john@blumelaw.com; lbrawley@scag.gov; mbrown@scag.gov; sbutterbaugh@scag.gov; emily@justice360sc.org; asimon@scag.gov; Jennifer Gamble <jgamble@simmonsfirm.com>; John Warren <jwarren@simmonsfirm.com>
Cc: Sara_Samsa@scd.uscourts.gov
Subject: response to inquiry in death penalty habeas case of 2:17-cv-01221-MGL-MGB Stone v. Stirling et al

Good morning--

The Clerk's Office received a phone call this morning inquiring whether there was a stay of execution in the above-referenced case. (The caller is on this email chain and is either a Mr. or Ms. Hopkins from the South Carolina Supreme Court.)

To answer that question received from Mr. or Ms. Hopkins: there is no stay of execution in place in this case. Pursuant to Judge Lewis' Order of April 10, 2017, the execution of Petitioner Bobby Wayne Stone was stayed such that the stay terminated 90 days after the court ruled on Stone's Motion to Appoint Counsel. (See Dkt. No. 9.) Counsel was appointed for Petitioner Stone on May 4, 2017, meaning the stay of execution expired (by my calculation) on August 2, 2017.

Petitioner's counsel has not sought to extend the stay. I additionally note that the petition for writ of habeas corpus itself has not yet been filed.

Attached is a public docket sheet of the Stone v. Stirling case. I hope this helps.

FYI counsel, Mr. or Ms. Hopkins who called from the SC Supreme Court indicated that if no stay was entered, the State planned to schedule the execution.

Thank you, and best regards,

(See attached file: Stone v. Stirling.public docket.pdf)

Allison Smith Rogers

Law Clerk to the Honorable Mary Gordon Baker Allison_Rogers@scd.uscourts.gov

(843) 579-1443