

The Supreme Court of South Carolina

The State, Respondent,

v.

Freddie Eugene Owens, Appellant.

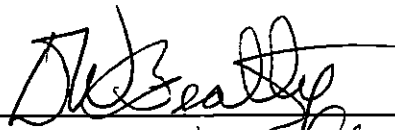
Appellate Case No. 2006-038802

ORDER


Petitioner seeks a stay of execution. The State has filed a return, and Petitioner has filed a reply. The Director of the South Carolina Department of Corrections has provided an affidavit certifying that, as of June 11, 2021, the only statutorily approved method of execution available in South Carolina is electrocution. Further, in response to an inquiry from the Clerk of the Court, the Director has provided an explanation as to why two methods of execution under S.C. Code Ann. § 24-3-530 (2021), lethal injection and firing squad, are currently unavailable.

According to the Director's response, lethal injection is unavailable due to circumstances outside of the control of the Department of Corrections, and firing squad is currently unavailable due to the Department of Corrections having yet to complete its development and implementation of necessary protocols and policies.

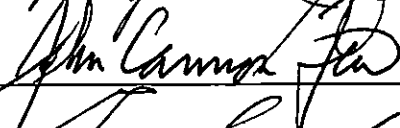
Under these circumstances, in which only a single method of execution is available, and due to the statutory right of inmates to elect the manner of their execution, we vacate the execution notice. *See* S.C. Code Ann. § 24-3-530 (2021). We further direct the Clerk of this Court not to issue another execution notice until the State notifies the Court that the Department of Corrections, in addition to maintaining the availability of electrocution, has developed and implemented appropriate protocols and policies to carry out executions by firing squad.



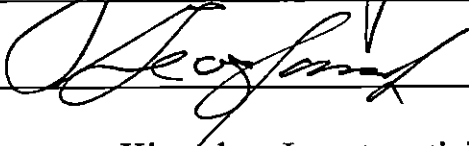
C.J.



J.



J.



J.

Kittredge, J., not participating.

Columbia, South Carolina
June 16, 2021

cc:

Donald J. Zelenka, Esquire
Bryan Peter Stirling, Esquire
Barton Jon Vincent, Esquire
Melody Jane Brown, Esquire
Daniel Clifton Plyler, Esquire
Emily C. Paavola, Esquire
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