

No. 24A723

IN THE
SUPREME COURT OF THE UNITED STATES

Marion Bowman, Jr.,

Petitioner,

vs.

Bryan P. Stirling, Commissioner, South Carolina,
Department of Corrections, and The State of South Carolina,

Respondents.

REPLY TO RESPONSE IN OPPOSITION
TO EMERGENCY APPLICATION FOR STAY OF EXECUTION

Respondent's response to Bowman's application for stay of execution does little more than raise the same arguments raised in the Brief in Opposition. While Bowman responds to these arguments in his reply to the brief in opposition, incorporating but not repeating them here, he respectfully draws attention to additional points in reply.

Respondent repeatedly argues this Court should not review Bowman's case or grant a stay because of the "last-minute nature" of the petition and stay request in this Court. This ignores that Bowman's current attorneys were not appointed in the state post-conviction relief proceedings or when his federal habeas petition was filed. It was Bowman's prior counsel who did not recognize and raise Bowman's claim of ineffective assistance of counsel due to trial counsel's racial biases in state or federal post-conviction proceedings.¹ As a result, Bowman's counsel raised this claim at their first opportunity in the South Carolina Supreme Court's original jurisdiction, seeking a writ

¹ Bowman's current attorneys were appointed after the federal habeas statute of limitations expired, preventing them from raising additional claims upon their appointment.

of habeas corpus. State habeas exists in South Carolina for exactly this reason: to provide review and relief when other potential avenues of relief have been exhausted and there is a constitutional violation “which, in the setting, is shocking to the universal sense of justice.” *Butler v. State*, 397 S.E.2d 87, 88 (S.C. 1990). Further, Bowman filed his state habeas petition on December 16, 2025, before his execution date was even set. Once the state court denied relief, Bowman timely petitioned this Court for certiorari one week later. Thus, Bowman has diligently sought review of this grave constitutional error and should not be penalized because his execution is now only days away.

Bowman’s petition for a writ of certiorari thoroughly addresses why the Supreme Court of South Carolina failed to apply this Court’s precedents and failed to join this Court’s “unceasing efforts to eradicate racial prejudice from our criminal justice system.” *Batson v. Kentucky*, 476 U.S. 79, 85 (1986) (internal quotation marks omitted); *see also Buck v. Davis*, 580 U.S. 100, 121–22 (2017) (recognizing the introduction of such “powerful racial stereotype[s]” and “particularly noxious strain[s] of racial prejudice” is prejudicial, as “[s]ome toxins can be deadly [even] in small doses”). A stay of execution should be issued in these circumstances to allow for consideration and disposition of the important constitutional considerations set forth in his pending petition for a writ of certiorari.

Respectfully submitted,

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