

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

CAPITAL RELATED CASE

AMERICAN CIVIL LIBERTIES UNION OF SOUTH
CAROLINA;

Plaintiff,

v.

BRYAN STIRLING, in his official capacity as
Executive Director of the South Carolina
Department of Corrections;

Defendant.

Case No. 3:24-cv-00906-JDA

**MOTION FOR EXPEDITED
CONSIDERATION OF
PRELIMINARY INJUNCTION AND
NOTICE OF SUPPLEMENTAL
FACTS¹**

On July 31, 2024, the South Carolina Supreme Court ruled that all three methods of execution available to the State of South Carolina—lethal injection, electrocution, and firing squad—are permissible under the South Carolina Constitution. *See* Exhibit A (*Owens v. Stirling*, --- S.E.2d ----, 2024 WL 3590797 (S.C. 2024)). Because of that ruling, stays of executions will lift and writs of execution will issue imminently for 5 men on death row—including Plaintiff ACLU-SC’s client, Marion Bowman.

Marion Bowman could be executed within weeks. *See* S.C. Code § 17-25-370 (executions to be carried out on the fourth Friday following the issuance of a death warrant). Executive clemency, a political decision that can be influenced by public pressure, is now Mr.

¹ Counsel has conferred under Local Civ. R. 7.02 and Defendant Stirling takes no position on this request.

Bowman's lone avenue for relief. *See* S.C. Const. art. IV, § 14 (granting the Governor "the power . . . to commute a sentence of death to that of life imprisonment"). Without immediate relief from this Court, Plaintiff's First Amendment rights to receive, record, and publish the speech of Marion Bowman in furtherance of his clemency petition will be permanently and incurably violated. *See* ECF 4-1 at 3, 7-8, 22-23. Plaintiff and the public deserve to know and hear from the person the State intends to kill, and in the absence of a strong interest in security, order, or rehabilitation (which has never been asserted), the First Amendment guarantees them that right. *See generally* ECF 4-1, ECF 27.

WHEREFORE, Plaintiff asks the Court to grant its Motion for Preliminary Injunction, ECF 4, which has been fully briefed since April 16, 2024, and to deny Defendant's Motion to Dismiss, ECF 20, which has been fully briefed since April 25, 2024.

In the alternative, Plaintiff asks the Court to issue a narrower order that Plaintiff can record an interview with Marion Bowman and may publish speech obtained in that interview.

Dated: August 13, 2024

Respectfully submitted,

ACLU OF SOUTH CAROLINA

/s Allen Chaney

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