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S.C. SUPREME COURT

HENRY McMASTER
GOVERNOR

OFFICE OF THE GOVERNOR

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March 6, 2024

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VIA ELECTRONIC FILING

ERICA W. SHEDD
DEPUTY LEGAL COUNSEL

The Honorable Patricia A. Howard
Clerk, Supreme Court of South Carolina
1231 Gervais Street
Columbia, SC 29201

Re: *Owens v. Stirling*, No. 2022-001280 (S.C.)

Dear Ms. Howard:

On behalf of Governor McMaster, I write to inform the Court, under Rule 208(b)(7), SCACR, that yesterday, Governor Jeff Landry of Louisiana signed HB6 into law. That act, a copy of which is enclosed, is relevant to this case in two ways.

First, HB6 reintroduces electrocution as an authorized method of execution in Louisiana. *See* HB6, § 1 (amending La. Stat. Ann. § 15:569(A)). Respondents have argued that electrocution violates our Constitution, at least in part, because other States have moved away from electrocution. *See* Resps.’ Br. 29–31 (discussing cases from Georgia and Nebraska); Oral Argument Video 56:30–56:53, No. 2022-001280 (S.C.) (Blume) (“other States—they’re not electrocuting people”). Even if that argument were a credible one and counting States could shed any light on the original meaning of the South Carolina Constitution, *see* Apps.’ Reply Br. 14–15 (quoting *Glossip v. Gross*, 576 U.S. 863, 895 (2015) (Scalia, J., concurring)), the fact that another State has added electrocution to its list of authorized methods confirms that electrocution is not an unusual method of execution.

Second, HB6 “ensure[s] the absolute confidentiality of the identifying information of any person, business, organization, or other entity directly or indirectly involved in the execution of a death sentence within this state.” HB6, § 1 (amending La. Stat. Ann. § 15:570(G)). Respondents have challenged the meaning and scope of South Carolina’s Shield Statute, *see* Resps.’ Br. 46–53, but Louisiana has now acknowledged what our General Assembly previously recognized and addressed: Without providing robust protection for the suppliers of lethal injection drugs and

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others involved in the execution of a capital sentence, States are unable to obtain lethal injection drugs.

Very truly yours,

A handwritten signature in blue ink, appearing to read "W. Grayson Lambert". The signature is stylized and cursive.

Wm. Grayson Lambert
Senior Litigation Counsel

Enclosure

cc w/ enc: Counsel of Record (via email only)