

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appellate Case No. 2024-001373

Richard Bernard Moore, Brad Keith Sigmon,
Freddie Eugene Owens, Mikal D. Mahdi, and Marion Bowman, Jr.

Movants,

v.

STATE OF SOUTH CAROLINA,

Respondent.

REPLY IN SUPPORT OF MOTION TO DIRECT OR STAY THE ISSUANCE OF
EXECUTION DATES AT INTERVALS OF NO LESS THAN 13 WEEKS.

Respondent “respectfully suggests that no more than 28 days between executions would be reasonable as executions resume.” Response at 2. But Respondent recommends the exact “pace of execution” of “one every four weeks” that proved “not sustainable for” the staff of the Oklahoma Department of Corrections.¹ Moreover, under the timetable established by South Carolina’s execution statute and *Owens*, an interval of 28 days would necessarily and ritually require corrections staff to read one prisoner an execution order and carry out the execution of another on *the same day*.

Respondent protests that a 13-week interval would mean that “only two executions could be completed this year” and that “it would take all next year to complete the remaining four

¹See Joint Motion to Set the Phase Three Execution Dates at 90-Day Intervals, *In Re the Setting of Execution Dates*, filed January 30, 2024 (Attachment A to Motion).

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executions[.]” Response at 2. Four executions is more than any state has conducted in 2024.² Even if every currently scheduled execution goes forward, Texas will execute six people in 2024, and Missouri and Alabama will each execute four.³ A comparable pace is hardly a “*de facto* stay.” Resp. at 2.

Respondent argues there is “no basis in law or fact” or “specific need” and “nothing” that “supports the necessity of three months between each execution,” but does not grapple with Oklahoma’s parallel experience establishing precisely that necessity.⁴ Nor does Respondent address the accounts of the former South Carolina wardens and execution team members who remain traumatized by their participation in executions, beyond asserting that their successors “stand ready to accomplish their duty as required by our law with professionalism and dignity.” Resp. at 5. Those very qualities are why the cost of their grave duties should be acknowledged.

Finally, Respondent lists the order in which Movants exhausted the ordinary course of their state and federal appeals. Resp. at 1, n. 1. It appears from the scheduling of Mr. Owens for execution that this Court is employing a different rubric than date of exhaustion when issuing execution dates. If this Court deems it appropriate, Movants respectfully ask this Court for clarity as to the order in which it intends to schedule their executions, which would alleviate some of the uncertainty and strain on Movants, their counsel, and other involved parties.

²Execution List 2024, Death Penalty Information Center (available at: <https://deathpenaltyinfo.org/executions/2024>) (last visited August 27, 2024).

³ See Upcoming Executions Death Penalty Information Center (available at: <https://deathpenaltyinfo.org/executions/upcoming-executions>) (last visited August 27, 2024).

⁴ Respondent cites provisions of Oklahoma’s execution statute that have no clear relevance here. Resp at 4, n. 6.

Respectfully submitted on this, the 28th of August, 2024,

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