

Feb 26 2025

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Case No. 2025-00187

Brad Keith Sigmon,
Movant,
v.

STATE OF SOUTH CAROLINA,
Respondent.

MOTION TO SEAL

Pursuant to Rule 240, SCACR, and *In re Revised Order Concerning Personal Identifying Information & Other Sensitive Information in Appellate Court Filings*, 407 S.C. 607, 757 S.E.2d 421 (2014), Movant Brad Keith Sigmon, with the consent of Respondent, moves to seal the autopsy report of Marion Bowman, which is Exhibit 8 to his contemporaneously filed *Motion to Reconsider Denial of Objection to Affidavit and Certification of Bryan P. Stirling, Director, South Carolina Department of Corrections, and Stay of Execution*. In support of his motion, Mr. Sigmon submits as follows:

1. Judicial proceedings in South Carolina are presumptively open. *See* S.C. Const. art. I, § 9. In narrow circumstances, however, this Court has recognized that portions of those proceedings, including exhibits, may be sealed. *See, e.g., Ex parte Cap. U-Drive-It, Inc.*, 369 S.C. 1, 10, 630 S.E.2d 464, 469 (2006). Mr. Bowman’s autopsy report presents such a circumstance. The Attorney General of South Carolina has formally opined that autopsy records are confidential because of the volume of detailed information they contain. *See, e.g.,* S.C. Att’y Gen. Op., 2011 WL 782314, at *5 (S.C.A.G. Feb. 23, 2011); S.C. Att’y Gen. Op., 2001 WL 957742, at *1 (S.C.A.G. Aug. 8, 2001).

Sealing Mr. Bowman's autopsy report will safeguard that "extensive medical information," which includes "vivid medical allusions to parts of the human body" that are generally "not available for public consumption." *Perry v. Bullock*, 409 S.C. 137, 142-43, 761 S.E.2d 251, 253-54 (2014).

2. This Court has previously sealed the autopsy of Richard Moore, which Mr. Sigmon submitted as Ex. 6 to the objection and stay motion that he seeks reconsideration of here. This Court has also sealed autopsy reports from judicial executions that were proffered by condemned prisoners in a challenge to aspects of South Carolina's methods of execution and capital statutory scheme. Order of 10/10/2022, *Owens, et al., v. Stirling, et al.*, Case No. 2022-001280. Similarly, in a recent action, the United States District Court for the District of South Carolina sealed Mr. Moore's autopsy report on the ground that it "contain[ed] personal identifying information and sensitive health information...and there is no less drastic alternative to sealing the document." Text Order of 01/17/2025, *Bowman, Jr. v. Stirling et. al*, 3:25-cv-00199-JDA (D.S.C. 2025).

3. If this Court grants Mr. Sigmon's Motion, he will submit Mr. Bowman's autopsy report as a sealed exhibit.

Respectfully submitted, this, the 26th of February, 2025.

s/ Joshua Snow Kendrick
Joshua Snow Kendrick (No. 70453)
KENDRICK & LEONARD, P.C.
P.O. Box 6938
Greenville, SC 29606

Gerald W. King, Jr.
Chief, Capital Habeas Unit
for the Fourth Circuit
Gerald_King@fd.org
129 West Trade Street, Suite 300
Charlotte, NC 28202
(704) 688-6946

Counsel for Brad Keith Sigmon