

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Roger L. Couch, Circuit Court Judge

RECEIVED
OCT 31 2014
S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

RICHARD BERNARD MOORE,

PETITIONER.

APPELLATE CASE NO. 2011-198472

PETITION FOR STAY OF EXECUTION

Counsel for Richard Bernard Moore petitions this Court for a stay of execution to allow him to file a petition for writ of certiorari with the United States Supreme Court. This Court denied rehearing on October 24, 2014.

I.

This Court denied the petition for a writ of certiorari from the trial court's order denying post-conviction relief in its order dated September 11, 2014.

II.

A petition for rehearing was filed on September 26, 2014. As stated, this Court denied

rehearing on October 24, 2014.

III.

A petition for writ of certiorari to the United States Supreme Court is now petitioner's proper avenue for relief from the judgment of this Court upheld which his murder conviction, and sentence of death. See Supreme Court Rule 13.1. Pursuant to *In re STAYS OF EXECUTION IN CAPITAL CASES*, 321 S.C. 544, 471 S.E.2d 544 (1996), this Court is the proper Court to issue the stay pending the disposition of petitioner's case in the United States Supreme Court.

IV.

Petitioner can raise the following federal issues, preliminarily framed, in the United States Supreme Court:

1.

Whether trial counsel rendered ineffective assistance, in derogation of the Sixth, Eighth and Fourteenth Amendments to the United States Constitution by failing to perform a reasonable investigation concerning Petitioner's background and family life and present evidence of the investigation in mitigation during the sentencing proceeding?

2.

Whether trial counsel rendered ineffective assistance, in derogation of the Sixth, Eighth and Fourteenth Amendments to the United States Constitution by failing to call James Aiken to testify regarding Petitioner's adaptability to life in prison as evidence in mitigation pursuant to Skipper v. South Carolina, 476 U.S. 1 (1986)?

3.

Whether trial counsel was ineffective, in derogation of the Sixth, Eighth and Fourteenth

Amendments to the United States Constitution, by failing to adequately prepare and rebut evidence that Petitioner shot the decedent with premeditation while Petitioner was behind the store counter since there was available evidence Petitioner only shot after the store clerk fired at him which was critical to the extent of Petitioner's criminal culpability?

WHEREFORE, counsel for Richard Bernard Moore requests a ninety-day stay of execution from October 24, 2014, in which to file a petition for writ of certiorari in the United States Supreme Court, and to continue until his case is ruled upon by the United States Supreme Court.

Respectfully submitted,

By:  _____

Robert M. Dudek
Chief Appellate Defender

Susan B. Hackett
Appellate Defender

ATTORNEYS FOR PETITIONER

October 31, 2014

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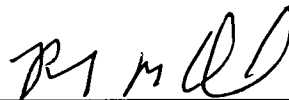
V.

RICHARD BERNARD MOORE,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Petition for Stay of Execution in the above referenced case has been served upon opposing counsel, William Edgar Salter, III, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 31st day of October, 2014.



Robert M. Dudek
Chief Appellant Defender

SUBSCRIBED AND SWORN TO before me
this 31st day of October, 2014.

Rhonda Demise Zerworth (L.S.)
Notary Public for South Carolina
My Commission Expires: October 17, 2021.