

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA 29201
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November 06, 2020

Lindsey S. Vann, Esquire
Justice 360
900 Elmwood Avenue, Suite 200
Columbia, SC 29201

Re: The State v. Richard Bernard Moore
Appellate Case No. 2001-021895

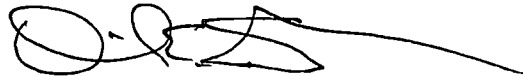
Dear Counsel:

This office has received your motion to temporarily stay the setting of an execution date in this case. In this motion, you indicate that the stay issued in the federal habeas corpus action has expired. Further, by letter dated November 2, 2020, the Office of the Attorney General confirms that no stay is in effect.

Please be advised that I have a ministerial duty to issue an execution notice whenever I determine that no stay is in effect. *Roberts v. Moore*, 332 S.C. 488, 505 S.E.2d 593 (1998) ("We take this opportunity to state that it is a ministerial duty of the Clerk of this Court to issue an execution notice pursuant to [S.C. Code Ann.] §17-25-370."); *In Re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (2020) ("Any request for a stay pending federal habeas corpus proceedings should be made to the federal court. In the event a federal court grants a stay of execution, the *Clerk of this Court shall issue an execution notice once the stay expires or is dissolved by the federal court.* [emphasis added]"). Since no stay is currently in effect, enclosed is the execution notice which I have issued.

If you would now like this Court to consider your motion to temporarily stay the setting of an execution date as a motion to stay the execution pursuant to *In re Stays of Execution in Capital Cases*, I ask that you please immediately advise this Court of that fact. If not, any motion for a stay of execution will need to be served and filed on or before by November 19, 2020.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: Donald J. Zelenka, Esquire
William Edgar Salter, III, Esquire
Barton Vincent, Esquire
Hannah L. Freedman, Esquire
John H. Blume, Esquire

The Supreme Court of South Carolina

The State, Respondent,

v.

Richard Bernard Moore, Appellant.

Appellate Case No. 2001-021895

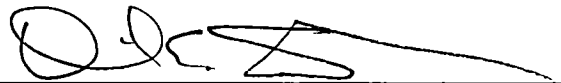
The Honorable The Honorable Gary E. Clary
Spartanburg County
Trial Court Case No. 2000GS4200619, 2000GS4200617,
2001GS4202460

EXECUTION NOTICE

TO THE HONORABLE BRYAN P. STIRLING, DIRECTOR OF THE SOUTH
CAROLINA DEPARTMENT OF CORRECTIONS:

This is to notify you that the sentence of death imposed in the above case from which an appeal has been taken has been affirmed and finally disposed of by the Supreme Court of South Carolina and the remittitur has been sent to the Clerk of the Court of General Sessions.

IT IS, THEREFORE, required of you by Section 17-25-370 of the Code of Laws of South Carolina to execute the judgment and sentence of death imposed on said defendant on the fourth Friday after the service upon you or receipt of this notice. Let a copy of this notice be served immediately upon the defendant.



CLERK

Columbia, South Carolina
November 6, 2020

cc: Lindsey S. Vann, Esquire
Donald J. Zelenka, Esquire
William Edgar Salter, III, Esquire
Barton Vincent, Esquire
Hannah L. Freedman, Esquire
John H. Blume, Esquire