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S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

November 9, 2020  
(via electronic filing only)

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, South Carolina 29211

Re: *Richard Bernard Moore, SCDC #6003;*  
*Execution Notice Issued November 6, 2020;*  
*Motion for Stay of Execution submitted.*

Dear Mr. Shearouse:

On November 6, 2020, after the notice of execution was issued, counsel for Mr. Moore requested that their motion to temporarily suspend setting an execution date be considered a motion for stay of execution. This Court accept the request and submitted the prior motion, response and reply for consideration. Today, counsel for Mr. Moore filed a letter seeking to supplement the pending motion. He seeks to rely on reports of executive branch action in Tennessee which delayed an authorized execution. Though Moore has again failed to challenge the legality of the conviction, sentence or execution such as would warrant a stay by this Court, Respondent respectfully seeks to supplement its response with the following information:

(1) The South Carolina Department of Corrections is currently drafting and/or completing guidelines for safely attending the execution. After review, whether the executive branch wishes to delay the legal and authorized execution process is a matter left soundly to executive branch discretion.

(2) Moore's current arguments, to the extent they may be considered, remain premature. The Department's protocol may satisfy safety concerns. As stated in the response in opposition, our Judicial Branch continues to work with individual circuits to ensure adequate safety plans are in place to prevent shuttering the judicial system. Other courts have, as well. See, for example, <https://www.uscourts.gov/judiciary-news> (Grand Juries Carry on During Pandemic, published October 27, 2020; Courts Making Juror Safety a Top Priority, published September 10, 2020; Federal Judges Reinventing the Jury Trial During Pandemic, published August 27, 2020) (last checked Nov. 9, 2020). The American Bar Association website shows a listing of multiple and varied responses to continue holding legal proceedings in the COVID era. See

<https://www.americanbar.org/advocacy/the-aba-task-force-on-legal-needs-arising-out-of-the-2020-pandem/> (last checked Nov. 6, 2020). The idea that a plan simply cannot be crafted to maintain safety according to scientific guidelines is contrary to these noted efforts.

Sincerely,

*s/Melody J. Brown*

Melody J. Brown  
Senior Assistant Deputy Attorney General

Enclosure

cc: Lindsey S. Vann, Esquire (via email only)  
Barton J. Vincent, Esquire (via email only)  
Trisha Allen, Victim Services