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S.C. SUPREME COURT

Smith Robinson Holler DuBose and Morgan, LLC

COLUMBIA 2530 Devine Street, Columbia, SC 29205
P: 803.254.5445 F: 803.254.5007

SUMTER 126 N. Main Street, Sumter, SC 29151
P: 803.778.2471 F: 803.778.1643

CAMDEN 935 Broad Street, Camden, SC 29020
P: 803.432.1992 F: 803.432.0784

Reply To: Daniel C. Plyler
Columbia Office

November 25, 2020

Via Email: lindsey@justice360sc.org

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

RE: Richard Bernard Moore, SK # 6003

Dear Lindsey:

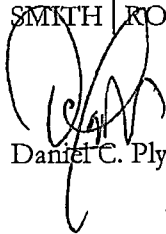
After reviewing your client's method of execution election form, SCDC has determined the refusal to sign to be a waiver under S.C. Code Ann. § 24-3-530. That statute states, in pertinent part, "[t]he election for death by electrocution or lethal injection must be made in writing fourteen days before the execution date or it is waived." S.C. Code Ann. § 24-3-530(A). Since Mr. Moore did not make an election, the statute mandates that he has waived that election. Pursuant to the statute, "[i]f the person waives his right of election, then the penalty must be administered by lethal injection." *Id.* Therefore, SCDC is preparing to carry out this Court Ordered execution via lethal injection.

SCDC has also authorized me to provide you with the following information, which is relevant to the currently scheduled December 4, 2020 execution. SCDC has confirmed that it will not be able to obtain the required drugs prior to December 4, 2020, and therefore the December 4, 2020 execution will have to be delayed. It is the understanding of SCDC that the Attorney General's Office will be advising the Courts of these facts.

I am happy to address any questions you may have, so please do not hesitate to contact me.

Very truly yours,

SMITH ROBINSON


Daniel C. Plyler