

Shealy, Brenda

From: Megan Barnes <megan@justice360sc.org>
Sent: Wednesday, June 9, 2021 2:39 PM
To: Shealy, Brenda
Cc: josh@kendrickleonard.com; Zelenka, Don; awilson@scag.gov; mbrown@scag.gov; stirring.bryan@doc.sc.gov; vincént.barton@doc.state.sc.us; daniel.plyler@smithrobinsonlaw.com
Subject: Re: The State v. Sigmon
Attachments: Sigmon Election Form Service 6.4.2021.pdf; Sigmon Election Form 6.4.2021.pdf

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Ms. Shealy,

Please find Mr. Sigmon's election forms from Friday, June 4, 2021 attached. Let me know if you need any additional information.

Best,
Megan Barnes

--
Attorney, Justice 360
900 Elmwood, Suite 200
Columbia, South Carolina 29201
w: (803) 765-1044
c: (214) 534-2889
megan@justice360sc.org

RECEIVED

JUN 09 2021

S.C. SUPREME COURT

On Wed, Jun 9, 2021 at 1:05 PM Shealy, Brenda <BShealy@sccourts.org> wrote:

Dear Counsel,

Attached is a copy of a letter concerning the election of execution in the above matter.

Thank you,

Brenda F. Shealy

Chief Deputy Clerk

South Carolina Supreme Court

~~~~ CONFIDENTIALITY NOTICE ~~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Post Office Box 21787, Columbia, South Carolina 29221

Pursuant to Code Section 17-25-400, Code of Laws of South Carolina, 1976, the Director of the South Carolina Department of Corrections has designated Willie Davis as his duly authorized agent for the purpose of making service of the Notice of Election on the below named individual.

**RECEIVED**

JUN 09 2021

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

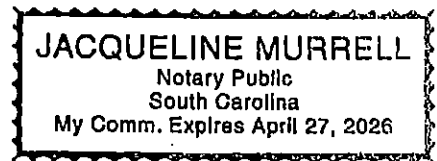
AFFIDAVIT OF PERSONAL SERVICE  
S.C. SUPREME COURT

On the 4<sup>th</sup> day of June 2021, I served the Notice of Election, Affidavit by Bryan P. Stirling, and S.C. Code Ann. Section 24-3-530 on Brad Keith Sigmon by delivering personally and leaving a copy of the same at Broad River Correctional Institution, 4460 Broad River Road, Columbia, South Carolina 29210. Deponent is not a party to this action.

S/ Willie Davis  
Willie Davis

SWORN TO AND SUBSCRIBED before  
me this 4<sup>th</sup> day of June 2021

Jacqueline Murrell (L.S.)  
Notary Public for South Carolina



My Commission Expires: 4.27.26

ACCEPTANCE OF SERVICE

Service of a copy of the Notice of Election, Affidavit by Bryan P. Stirling, and S.C. Code Ann. Section 24-3-530 is accepted at Broad River Correctional Institution, 4460 Broad River Road, Columbia, South Carolina 29210, South Carolina, this 4<sup>th</sup> day of June 2021.

S/ Brad Keith Sigmon  
Brad Keith Sigmon

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

NOTICE OF ELECTION

In Re Brad Keith Sigmon, SK # 6008

Notice pursuant to S.C. Code Ann. Section 24-3-530(E)

Pursuant to S.C. Code Ann. Section 24-3-530(E), the South Carolina Department of Corrections is hereby providing you written notice of your right to election of method of execution, as well as the available methods of execution. The June 3, 2021 Affidavit of Director Bryan P. Stirling is attached. As stated in that Affidavit, the only statutorily approved method of execution currently available to the South Carolina Department of Corrections is electrocution.

*I elect lethal injection*

*s/ Brad Sigmon*

Brad Keith Sigmon

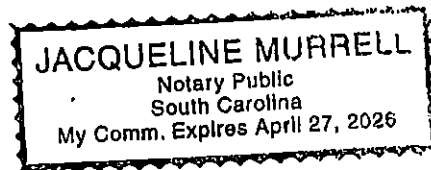
Acknowledgement of Receipt

Dated: June 4, 2021

WITNESSES:

*[Handwritten signature]*

*Jacqueline Murrell*



THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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The State,

Respondent,

v.

Brad Keith Sigmon,

Appellant.

Appellate Case No. 2002-024388

---

Greenville County  
(Trial Court Case No. 2001GS2307629,  
2001GS2307630, 2001GS2307631)

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**AFFIDAVIT OF BRYAN P. STIRLING  
DIRECTOR OF THE SOUTH CAROLINA DEPARTMENT OF  
CORRECTIONS**

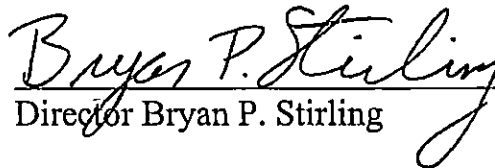
PERSONALLY APPEARED BEFORE ME, BRYAN P. STIRLING, who  
being duly sworn, deposes and states as follows:

1. I am over the age of eighteen and competent to give this testimony.
2. I serve as the Director of the South Carolina Department of Corrections (hereinafter "Department"), having first been appointed as interim to this position in October of 2013 and later confirmed by the South Carolina Senate as Director thereafter.
3. Pursuant to S.C. Code Ann. Section 24-3-530(B), I am charged with certifying, under penalty of perjury, the available methods of execution upon receiving a notice of execution issued by the South Carolina Supreme Court.
4. According to S.C. Code Ann. Section 25-3-530, there are three, statutorily approved methods of execution. Specifically, the General

Assembly has approved electrocution, lethal injection, and firing squad as methods for carrying out a lawful sentence of death.

5. On Thursday, May 27, 2021, my office received a copy of an Execution Notice issued by the Clerk for the South Carolina Supreme Court regarding Brad Keith Sigmon.
6. I hereby certify that, as of this date, the only statutorily approved method of execution available to the South Carolina Department of Corrections is electrocution.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Director Bryan P. Stirling

SWORN TO BEFORE ME THIS 3rd

DAY OF June, 2021

N. Dayne Haule (SEAL)

NOTARY PUBLIC FOR S.C.

COMMISSION EXPIRES: 3/12/2024

No. R56  
CLERK OF THE SENATE

No. \_\_\_\_\_  
CODE COMMISSIONER

### AN ACT


TO AMEND SECTION 24-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE THAT A PERSON SENTENCED TO DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR BY FIRING SQUAD OR LETHAL INJECTION, IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, AND TO PROVIDE THAT THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION, UNLESS THE PERSON ELECTS DEATH BY FIRING SQUAD, IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

I Certify that the Within Originated in the Senate.

*Jeffrey Hammond*  
Clerk of the Senate

Correctly Enrolled \_\_\_\_\_

*Ashley Harwell-Beach*  
Ashley Harwell-Beach, Director  
Legislative Council

**FILED** 

Delivered to the Governor this MAY 13 2021

day of \_\_\_\_\_, A.D. 20\_\_\_\_\_  
*Jeffrey Hammond*  
Clerk of the Senate

Delivered to the Secretary of State this MAY 14 2021

day of \_\_\_\_\_, A.D. 20\_\_\_\_\_  
*Mark Hammond*  
SECRETARY OF STATE

THE STATE OF SOUTH CAROLINA

At A General Assembly Begun to be Holden at  
Columbia, on the Second Tuesday in January, in the  
Year of Our Lord Two Thousand Twenty One, and  
Thence Continued by Divers Adjournments to the  
\_\_\_\_\_ of \_\_\_\_\_

In the Year of Our Lord Two Thousand Twenty One

**AN ACT**

TO AMEND SECTION 24-3-530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEATH BY ELECTROCUTION OR LETHAL INJECTION, SO AS TO PROVIDE THAT A PERSON SENTENCED TO DEATH SHALL SUFFER THE PENALTY BY ELECTROCUTION OR BY FIRING SQUAD OR LETHAL INJECTION, IF LETHAL INJECTION IS AVAILABLE AT THE TIME OF ELECTION, TO PROVIDE THAT AN ELECTION EXPIRES AND MUST BE RENEWED IN WRITING IF THE CONVICTED PERSON RECEIVES A STAY OF EXECUTION OR THE EXECUTION DATE HAS PASSED, TO PROVIDE THAT A PENALTY MUST BE ADMINISTERED BY ELECTROCUTION FOR A PERSON WHO WAIVES HIS RIGHT OF ELECTION, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS SHALL DETERMINE AND CERTIFY TO THE SUPREME COURT WHETHER THE METHOD SELECTED IS AVAILABLE, AND TO PROVIDE THAT THE MANNER OF INFLECTING A DEATH SENTENCE MUST BE ELECTROCUTION, UNLESS THE PERSON ELECTS DEATH BY FIRING SQUAD, IF EXECUTION BY LETHAL INJECTION IS UNAVAILABLE OR IS HELD TO BE UNCONSTITUTIONAL BY AN APPELLATE COURT OF COMPETENT JURISDICTION.

Be it enacted by the General Assembly of the State of South Carolina:

\\ACTS\200AHB21.DOCX

Engrossed by  
SC Legislative Council

MAY 12 2021



## **Death penalty, methods of execution**

**SECTION 1.** Section 24-3-530 of the 1976 Code is amended to read:

“Section 24-3-530. (A) A person convicted of a capital crime and having imposed upon him the sentence of death shall suffer the penalty by electrocution or, at the election of the convicted person, by firing squad or lethal injection, if it is available at the time of election, under the direction of the Director of the Department of Corrections. The election for death by electrocution, firing squad, or lethal injection must be made in writing fourteen days before each execution date or it is waived. If the convicted person receives a stay of execution or the execution date has passed for any reason, then the election expires and must be renewed in writing fourteen days before a new execution date. If the convicted person waives the right of election, then the penalty must be administered by electrocution.

(B) Upon receipt of the notice of execution, the Director of the Department of Corrections shall determine and certify by affidavit under penalty of perjury to the Supreme Court whether the methods provided in subsection (A) are available.

(C) A person convicted of a capital crime and sentenced to death by electrocution prior to the effective date of this section must be administered death by electrocution unless the person elects death by firing squad or lethal injection, if it is available, in writing fourteen days before the execution date.

(D) If execution by lethal injection under this section is determined and certified pursuant to subsection (B) to be unavailable by the Director of the Department of Corrections or is held to be unconstitutional by an appellate court of competent jurisdiction, then the manner of inflicting a death sentence must be by electrocution, unless the convicted person elects death by firing squad.

(E) The Department of Corrections must provide written notice to a convicted person of his right to election under this section and the available methods.

(F) The Department of Corrections shall establish protocols and procedures for carrying out executions pursuant to this section.”

## **Severability clause**

**SECTION 2.** If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the

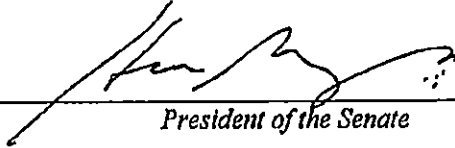
constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.


**Time effective**

SECTION 3. This act takes effect upon approval by the Governor and applies to persons sentenced to death as provided by law prior to and after the effective date of this act.

---XX---

In the Senate House MAY 13 2021

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Representatives

Approved the 14<sup>th</sup> day of May 2021.

  
\_\_\_\_\_  
Governor

LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY OF SOUTH CAROLINA

Ashley Harwell-Beach, Director

*Ashley Harwell-Beach*

Attorney: Harwell-Beach

Drafting Assistant: Huth

S. 200

Legislative Council No. (86) 200AHB21

Doc. No.: L:\COUNCIL\ACTS\200AHB21.DOCX

Statewide:  Local:  Temporary:

Proofread by: *Mitchell / Jensen*

Engrassed by  
SC Legislative Council

MAY 12 2021

STATE OF SOUTH CAROLINA    )  
                                          )  
COUNTY OF RICHLAND        )

NOTICE OF ELECTION

In Re Brad Keith Sigmon, SK # 6008

Notice pursuant to S.C. Code Ann. Section 24-3-530(E)

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*I elect lethal injection*

*s/ Brad Sigmon*

Brad Keith Sigmon

Acknowledgement of Receipt

Dated: June 4, 2021

WITNESSES:

*[Handwritten signature]*

*Jacqueline Murrell*

**RECEIVED**

JUN 09 2021

S.C. SUPREME COURT

JACQUELINE MURRELL  
Notary Public  
South Carolina  
My Comm. Expires April 27, 2026