

Exhibit A

RECEIVED

Jun 11 2021

S.C. SUPREME COURT

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:

[Signature]

Jacqueline Murrell

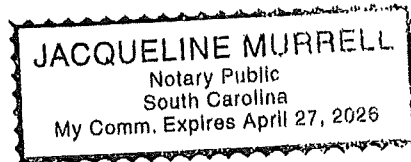


Exhibit B

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

The State,

Respondent,

v.

Brad Keith Sigmon,

Appellant.

Appellate Case No. 2002-024388

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

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

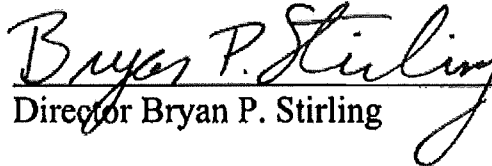
PERSONALLY APPEARED BEFORE ME, BRYAN P. STIRLING, who
being duly sworn, deposes and states as follows:

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

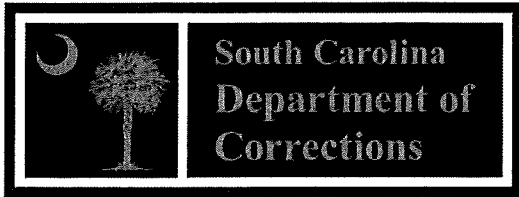
DAY OF June, 2021

N. Dwayne Haile (SEAL)

NOTARY PUBLIC FOR S.C.

COMMISSION EXPIRES: 3/12/2024

Exhibit C



HENRY McMASTER, Governor
BRYAN P. STIRLING, Director

June 8, 2021

RECEIVED

Jun 08 2021

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk of Court for South Carolina Supreme Court
Supreme Court Building
1231 Gervais Street
Columbia, SC 29201

RE: The State v, Brad Keith Sigmon
Appellate Case No. 2002-024388

Dear Mr. Shearouse:

This letter is in response to your June 4, 2021 letter asking for an explanation as to why two of the statutorily approved methods of execution, lethal injection and firing squad, are not available in the execution of Brad Keith Sigmon.

As to lethal injection, the South Carolina Department of Corrections (SCDC) has been unable, despite numerous and diligent attempts, to acquire the drugs necessary, in useable form, to perform a lethal injection. SCDC, like many other departments of corrections across the nation,¹ has been repeatedly told, in no uncertain terms, by manufacturers of the drugs needed for a lethal injection that they will not sell SCDC such drugs. Attached is a copy of the most-recent correspondence from a major manufacturer of the drugs needed for lethal injection as an example of the numerous correspondence SCDC has received. *See* Exhibit A. SCDC has received similar letters from manufacturers of the necessary drugs over the years.

Since all of SCDC's efforts to obtain the necessary drugs from a manufacturer of such drugs have failed, SCDC has also explored having a licensed pharmacy and pharmacist compound the drugs. Those efforts have also been unsuccessful.

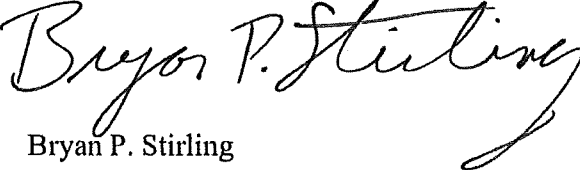
As for firing squad, SCDC does not currently have the necessary policies and protocols, as required by the statute, for an execution by firing squad. SCDC began working on acquiring the necessary information needed for the development of policies and protocols for a firing squad as soon as the Bills that were making their way through the General Assembly were amended to add firing squad as a statutorily approved method of execution. SCDC's process of developing the policies and protocols for a firing squad entails working with other States that already have firing squad available as a method of

¹ *See Glossip v. Gross*, 576 U.S. 863, 135 S.Ct. 2726, 196 L.Ed.2d 761 (2015)

The Honorable Daniel Shearouse
Clerk to the Supreme Court of South Carolina
June 8, 2021
Page 2

execution, and SCDC is currently working on establishing policies and protocols for an execution by firing squad and expects to have those policies and protocols finalized in the next few weeks. After those policies and procedures are finalized, the process will then turn to implementation, and the time frame for implementation will be dependent on the finalized policies and procedures.

Very truly yours,



Bryan P. Stirling

cc: Alan McCrory Wilson, Esquire
Donald J. Zelenka, Esquire
Melody Jane Brown, Esquire
Megan Elizabeth Barnes, Esquire
Joshua Snow Kendrick, Esquire
Barton Jon Vincent, Esquire
Daniel Clifton Plyler, Esquire



Corporate Headquarters
Hikma Pharmaceuticals USA Inc.
200 Connell Drive 4th Floor
Berkeley Heights, NJ 07922

T 1.908.673.1030 F
1.908.673.1042

May 10, 2021

The Honorable Henry McMaster
Governor, State of South Carolina

Alan Wilson
Attorney General

Bryan Stirling
Head, Department of Corrections

RECEIVED

Jun 08 2021

S.C. SUPREME COURT

RECEIVED

JUN 07 2021

DIRECTOR

Dear Governor McMaster, Mr. Wilson, and Mr. Stirling:

Hikma is a global pharmaceutical company committed to improving patient lives by providing access to high quality, affordable medicines. Our medicines are used by medical professionals and patients millions of times each day to treat illness and save lives. This has been our mission for more than 40 years.

As Hikma has done in past years, I am writing to remind you of our objection in the strongest possible terms to the use of any of our products for lethal injection and to request confirmation in writing that the state of South Carolina or any facility run directly by the state of South Carolina is not in possession of any Hikma/West-Ward products that it intends to use for capital punishment.

Despite our best efforts to ensure our medicines are used only for their intended medicinal purposes, including a requirement that they only be supplied to pre-authorized customers who agree not to sell them to Departments of Correction or other entities that intend to use them for capital punishment, some states continue to attempt to procure our products from distributors and other intermediaries for this purpose. Not only is this contrary to our intention of manufacturing medicines for the health and well-being of patients in need, but also it is completely counter to our company values.

As a result, we have had to extend the restriction of products to include a broad range of medicines. This list of restricted products is kept current on our website at www.hikma.com. We would like to make clear that our objection to the use of our medicines in capital punishment should be applied to all our products, whether manufactured within or outside the US.

We also request that the Director and other relevant South Carolina Department of Corrections officials not circumvent our carefully prepared controls or take any actions that would undermine the specially drafted legal provisions in our agreements. In the event we are forced to implement additional controls to prevent diversion and misuse of our medicines, such action may have the unintended consequence of potentially preventing certain patients from receiving these medicines despite having a genuine medical need. This outcome would not be beneficial for anyone, particularly the good people of South Carolina.

High quality, generic medicines play a vital role in improving health. As such, we hope you will be our partner in furthering our values and upholding our policy prohibiting the use of our medicines in capital punishment.



Corporate Headquarters
Hikma Pharmaceuticals USA Inc.
200 Connell Drive 4th Floor
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Kindly respond to this request by June 11, 2021.

Thank you.

A handwritten signature in cursive script that reads "Steven H. Weiss".

Steven H. Weiss
Head of US Communications and Public Affairs
sweiss@hikma.com

Exhibit D

SMITH ROBINSON

Forward thinking. Results driven.

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 20, 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:

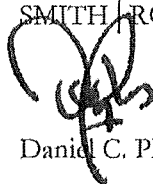
I have been informed by the South Carolina Department of Corrections (SCDC) that your client, Richard Bernard Moore, has refused to sign a Notice of Election form, and has affirmatively stated, in writing, that said refusal is not a waiver, in his opinion, under S.C. Code Ann. § 24-30-530. Additionally, on that same form, Mr. Moore states "I cannot make a selection at this time to method because my attorney and I do not have information for the protocols [sic]." As you know, SCDC made the execution protocols available for your review on November 19, 2020, but you refused to accept that offer and did not review the protocols at that time.

SCDC has authorized me to provide you the following information. SCDC's current lethal injection protocol is a three-drug protocol, which begins with an injection of Pentobarbital, followed at an appropriate time interval by Pavulon (Pancuronium Bromide), and then followed at an appropriate time interval by Potassium Chloride. A similar three-drug protocol utilized by the State of Kentucky, was found to be constitutional by the Supreme Court of the United States. *See Baze v Rees*, 553 U.S. 35, 128 S.Ct. 1520 (2008).

SCDC reserves the right to amend its lethal injection protocol, and if it is unable to secure sufficient quantities of each of the three drugs listed above, it is prepared to enact a one-drug protocol, which would consist of the use of Pentobarbital Sodium. As you know, a recent challenge to the constitutionality of the Pentobarbital Sodium single-drug protocol as utilized by the Federal Bureau of Prisons, was unsuccessful before the Supreme Court of the United States. *See Barr v. Loe*, 140 S.Ct. 2590 (2020).

Please advise Mr. Moore of this information.

Very truly yours,
SMITH ROBINSON



Daniel C. Plyler