

The Supreme Court of South Carolina

Richard Bernard Moore, Petitioner,

v.




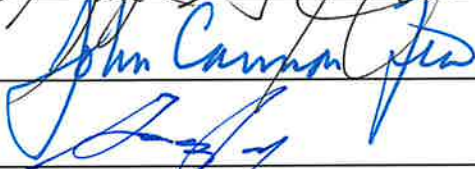

Bryan P. Stirling, Commissioner, South Carolina
Department of Corrections, Respondent.

Appellate Case No. 2020-001519

ORDER

By order dated November 30, 2020, we stayed the execution of Petitioner until the South Carolina Department of Corrections (SCDC) has the ability to perform the execution as required by law. Petitioner's motion to stay his execution pending resolution of his petition for a writ of habeas corpus was denied as moot based on the November 30, 2020 order. As a precaution, Petitioner filed a second motion for a stay of execution pending the resolution of his petition for a writ of habeas corpus after S.C. Code Ann. § 24-3-530 was amended by the General Assembly and SCDC advised the Court it was able to carry out executions by electrocution.

An execution date has not been set because the matter was stayed by the November 30, 2020 order. Because an execution date will be set by operation of statute initiated by the issuance of an execution notice, we construe the motion as one to stay the issuance of an execution notice. Today, we issued our decision on Petitioner's request for a writ of habeas corpus. Accordingly, the Clerk of this Court must issue an execution notice. *See Roberts v. Moore*, 332 S.C. 488, 488, 505 S.E.2d 593, 593 (1998) (holding it is a ministerial duty of the Clerk of the Supreme Court to issue an execution notice pursuant to S.C. Code Ann. § 17-25-370 (2014)). We deny Appellant's request for a stay without prejudice to his right to request a stay of execution when the issue is ripe for a decision.


_____ C.J.

_____ J.

_____ J.

_____ J.

_____ J.

Columbia, South Carolina
April 6, 2022

- cc:
Lindsey Sterling Vann, Esquire
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