

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Apr 08 2022

S.C. SUPREME COURT

The State,

Respondent,

v.

Richard Bernard Moore,

Appellant.

Appellate Case No. 2001-021895

Spartanburg County
(Trial Court Case No. 2000GS4200619, 2000GS4200617, 2001GS4202460)

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

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

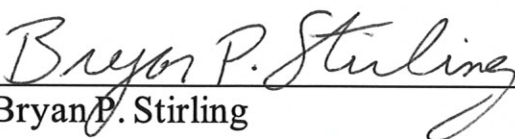
1. I am over the age of eighteen and am of sound mind and competent to give this testimony.
2. I serve as the Director of the South Carolina Department of Corrections ("Department"), having first been appointed to this position in an interim capacity in October of 2013 and later confirmed by the South Carolina Senate as Director thereafter.
3. According to S.C. Code Ann. § 24-3-530, 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.
4. Pursuant to S.C. Code Ann. § 24-3-530(B), I am charged with certifying, under penalty of perjury, the available methods of execution

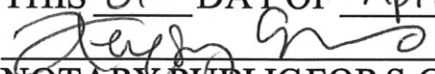
#1 BPS

upon receipt of a notice of execution issued by the South Carolina Supreme Court.

5. On Thursday, April 7, 2022, the Department received an Execution Notice issued by the Clerk of the South Carolina Supreme Court for Richard Bernard Moore in accordance with S.C. Code Ann. §§ 17-25-370, -380.
6. I hereby certify that, as of April 8, 2022, the only statutorily approved methods of execution available to the Department are electrocution and firing squad.
7. Despite diligent efforts, the Department has been unable to obtain or acquire the necessary drugs for execution by lethal injection.
8. The Department's efforts have included contacting manufacturers, all of which have refused to sell the drugs to the Department. The Department has also contacted various compounding pharmacists regarding compounding the drugs for the Department, but those efforts also have been unsuccessful. Additionally, the Department has attempted to purchase the bulk components for the drugs and have them compounded, and those efforts have likewise proven unsuccessful.
9. As a result, lethal injection is not available to the Department as a method of execution.
10. I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.


Bryan P. Stirling

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 8th DAY OF April, 2022
 (SEAL)
NOTARY PUBLIC FOR S.C.
COMMISSION EXPIRES: May 26, 2030

#2 (PNS)

