

April 14, 2022

The Honorable Patricia A. Howard
Clerk of Court, South Carolina Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

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S.C. SUPREME COURT

Re: *State v. Richard Bernard Moore #6003*
No. 2001-021895
Execution Date: April 29, 2022

Dear Ms. Howard,

Counsel for Richard Moore, execution scheduled for **April 29, 2022**, submit the following updated information regarding the litigation pending in the Richland County Court of Common Pleas referenced in Moore's April 7, 2022 Motion to Stay.

On Thursday, April 14, 2022, Judge Jocelyn Newman held a hearing on Defendants' Motion to Dismiss in the case of *Owens v. Stirling*, No. 2021-CP-40-02306 (consolidated to include Plaintiffs Moore, Owens, Sigmon, and Terry).

Following arguments from the parties, Judge Newman denied Defendants' Motion to Dismiss and ordered the case to move forward with discovery and factual development. Judge Newman reasoned that the issues raised in Plaintiffs' complaint are novel issues that have not been decided by any other court, and it would be improper to bar further inquiry into the issues presented.

Judge Newman's ruling underscores the need for a stay in this case to allow for judicial review and decision-making on the constitutional and statutory issues related to South Carolina's newly amended execution method statute.

A stay is further warranted in advance of tomorrow, **Friday, April 15, 2022**, when the Department of Corrections will ask Moore to elect between two methods of execution—electrocution and firing squad—which he asserts are unconstitutional and where the court ruled today that those claims should proceed to trial and decision.

Should you need anything further, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lindsey S. Vann". The signature is fluid and cursive, with the first name being the most prominent.

Lindsey S. Vann

Cc: Donald Zelenka, Esq.
Melody Brown, Esq.
Ed Salter, Esq.
Barton Vincent, Esq.
Via email