



South Carolina Department of Corrections

April 7, 2022

For immediate release

Contact: Chrysti Shain, (803) 413-8206

Shain.Chrysti@doc.sc.gov

COLUMBIA, S.C. — The S.C. Department of Corrections received an order of execution for Death Row inmate Richard Bernard Moore today.

The order is being served on inmate Moore this evening.

Moore's execution date will be April 29, which is set by law for four Fridays from the date the department receives the order.

By law, Moore will be asked to choose his method of execution 14 days before execution day. Methods available are the electric chair and firing squad.

In May 2021, the S.C. General Assembly amended the state's execution laws to create a firing squad as an option for condemned inmates. Pending executions were stayed by the S.C. Supreme Court while the department wrote protocols to govern a firing squad and renovated the Capital Punishment Facility. The department notified state officials last month that the process was complete.

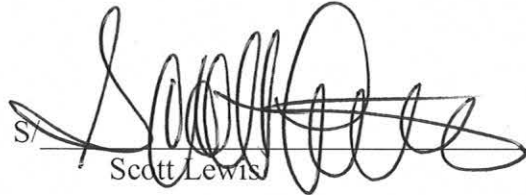
Moore, 57, was sentenced to death after being convicted of murder, assault with intent to kill, armed robbery and a firearms violation in 2001 in Spartanburg County.

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

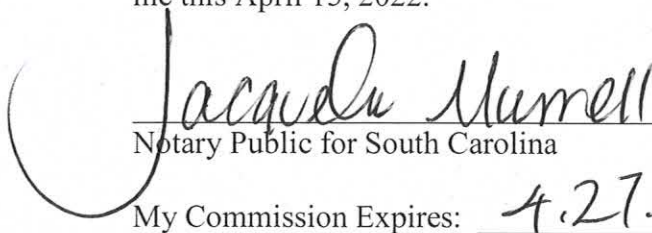
Pursuant to Code Section 24-3-530, Code of Laws of South Carolina, 1976, as amended, the Director of the South Carolina Department of Corrections has designated Scott Lewis as his duly authorized agent for the purpose of making service of the Notice of Election on the below named individual.

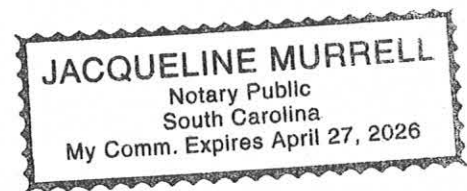
STATE OF SOUTH CAROLINA)
) AFFIDAVIT OF PERSONAL SERVICE
COUNTY OF RICHLAND)

On the 15th day of April 2022, I served the Notice of Election on Richard Bernard Moore #6003, by delivering personally and leaving a copy of the same at Broad River Correctional Institution, 4460 Broad River Road, Columbia, South Carolina. Deponent is not a party to this action.

S/ 
Scott Lewis

SWORN TO AND SUBSCRIBED before
me this April 15, 2022.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 4.27.26



ACCEPTANCE OF SERVICE

Service of a copy of the within Notice of Election is accepted at Broad River Correctional Institution, 4460 Broad River Road, Columbia, South Carolina, this 15 day of April 2022.

S/ 
Richard Bernard Moore, #6003

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

NOTICE OF ELECTION for April 29, 2022

Section 24-3-530 of the South Carolina Code of Laws provides:

- (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.

As required by Section 24-3-530(B) of the South Carolina Code of Laws, the Director of the South Carolina Department of Corrections has certified by affidavit under penalty of perjury to the Supreme Court of South Carolina whether the methods provided in subsection (A) are available. A copy of the Director's affidavit is enclosed herewith for ease of reference.

I, Richard Bernard Moore, pursuant to Section 24-3-530, South Carolina Code of Laws hereby elect electrocution as the method for execution.

Richard Bernard Moore

Date

I, Richard Bernard Moore, pursuant to Section 24-3-530, South Carolina Code of Laws hereby elect firing squad as the method for execution. *See my statement*

Richard B. Moore
Richard Bernard Moore

4/15/2022
Date

WITNESSES:

[Signature] 7750
Witness Signature-Employee Number

4-15-2022
Date

K. Ambrose 061696
Witness Signature-Employee Number

4-15-22.
Date

**THE STATE OF SOUTH CAROLINA
IN THE 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.

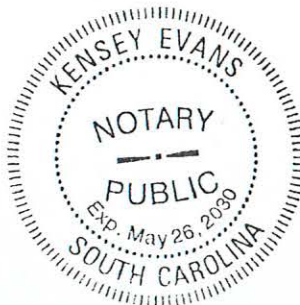
5. On Thursday, April 7, 2022, the Department received an Execution Notice issued by the Clerk of the South Carolina Supreme Court for Richard Bernard Moore in accordance with S.C. Code Ann. §§ 17-25-370, -380.
6. I hereby certify that, as of April 8, 2022, the only statutorily approved methods of execution 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
Bryan P. Stirling

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

#2 (P.B.)



**Statement of Mr. Richard Bernard Moore Regarding Election of Execution Method
Pursuant to S.C. Code § 24-3-530**

I, Richard Bernard Moore, am challenging the legality and constitutionality of the firing squad and electric chair in an ongoing action in the Richland County Court of Common Pleas. *Owens, et al. v. Stirling, et al.*, No. 2021-CP-40-02306. By operation of the state's method-of-execution statute, which is also challenged in that action, the Department of Corrections is today forcing me to elect my method of execution. The Department is presenting only the firing squad and electrocution as the available methods from which I can choose. If I decline to make a choice, the Department intends to execute me by electrocution.

I do not believe or concede that either the firing squad or electrocution is legal or constitutional. I do not believe the Department should be allowed to certify that a statutorily prescribed method, such as lethal injection, is unavailable without demonstrating a good faith effort to make it available. However, I more strongly oppose death by electrocution. Because the Department says I must choose between firing squad or electrocution or be executed by electrocution I will elect firing squad.

I believe this election is forcing me to choose between two unconstitutional methods of execution, and I do not intend to waive any challenges to electrocution or firing squad by making an election.



Richard Bernard Moore

Sworn to and subscribed before me
This 5th day of April, 2022



Notary Public for the State of South Carolina
My commission expires: 2/21/2024