

South Carolina executes Richard Moore despite pleas from trial judge, jurors and former corrections department director

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Richard Moore was executed Friday in South Carolina, becoming the second person put to death in the state in just over a month, following a 13-year pause. Moore, 59, was convicted of the 1999 shooting death of James Mahoney at a convenience store in Spartanburg, a city in northern South Carolina. Moore's all-white jury convicted him of murder and armed robbery after only two hours of deliberation and sentenced him to death after only one hour more.

Moore's execution was all the more remarkable given that when he entered Nikki's Speed Mart on September 16, 1999 he was unarmed. Moore is believed to be the only person in the history of South Carolina's death penalty to be executed in connection with an armed robbery who did not bring the fatal weapon to the scene of the crime.

The two weapons involved were behind the counter when Moore entered the store. Moore's attorneys argued that Moore killed Mahoney in self-defense, stating, "No other South Carolina death penalty case has involved an unarmed defendant who defended himself when the victim threatened him with a weapon."

Prosecutors asserted that Moore pulled Mahoney's handgun away from him, and that Mahoney then grabbed a second gun and shot Moore in the arm before Moore fired the fatal shot. Moore fled with more than \$1,400 in cash. Moore's attorneys maintained that he came to the store to buy beer and cigarettes and an argument ensued when he came up 12 cents short and wanted to use coins from the change cup to complete his purchase.

On October 31, the US Supreme Court declined to hear Moore's arguments for his case to be reheard,

clearing the way for his execution. South Carolina Governor Henry McMaster declined to grant clemency, despite receiving a petition bearing over 50,000 signatures calling for clemency. Pleas from the trial judge, three jurors and the former director of the state's corrections department also fell on deaf ears.

In a final statement read by Moore's attorney Lindsey Vann, Moore said, in part, "To the family of Mr. James Mahoney, I am deeply sorry for the pain and sorrow I cause you all. To my children and granddaughters, I love you and am so proud of you."

According to *The State Newspaper* of Columbia, South Carolina, after witnesses were let in to view the execution, prison officials delivered a single dose of pentobarbital, a sedative, as Moore lay strapped to a gurney, facing the ceiling. A minute after administration of the lethal drug, witnesses heard between four and six deep gasping breaths, followed by shallow breaths. His chest appeared to stop moving at 6:04 p.m.

Witnesses reported there was silence in the death chamber for the next 20 minutes. A prison medical professional pronounced Moore dead at 6:24 p.m. About 40 people, including one of Moore's attorneys, death penalty opponents and clergy members, held vigil outside the prison facility.

Moore is believed to be the last person on South Carolina's death row who was sentenced to death by an all-white jury. Moore was African American, Mahoney was white. The US Supreme Court ruled in 1986 in *Batson v. Kentucky* that a prosecutor's peremptory challenges in a criminal case—dismissal of jurors without stating a valid cause—may not be used to exclude jurors based solely on their race. The court

ruled that such challenges violated the Equal Protection Clause of the 14th Amendment.

On September 26, 2024, Justice 360 attorneys, who represented Moore for more than a decade, filed a petition with the high court requesting review of the jury selection in Moore's case to determine if the prosecution struck black jurors because of their race. In a brief filed with the court on October 29, the South Carolina attorney general argued it was too late for Moore to raise the issue of jurors' race because it had not been mentioned in some earlier appeals.

Moore was born in Michigan, one of nine siblings, and was the only child in the family to graduate from high school. But an addiction to crack cocaine came to dominate his life and he was convicted of several robberies and assaults to fund his habit. When he was arrested in 1999 he was on probation, had recently become unemployed, and had two children, ages four and six.

Despite being in prison, he stayed involved with his family, became a Christian, and learned to paint. His son Lyndall Moore told *The State*, "He's not some sort of monster. He's just a guy who struggled, but always a guy with a good heart, you know, a normal guy trying to be a good father."

Former South Carolina Department of Corrections Director Jon Ozmint described Moore as a "reliable, consistent force for good, on death row," adding, "Commutation would have a positive influence on hundreds of offenders who would be impacted by Richard's story of redemption and his positive example."

Moore was the second person executed in South Carolina after a 13-year pause. Freddie Owens, 46, was executed on September 20, 2024 for the murder of Irene Graves, 41. Owens was executed only days after a key witness for the prosecution issued a sworn statement saying he had lied at trial when he named Owens as the shooter in exchange for a deal to avoid a sentence of death or life without parole.

Before temporarily halting executions, South Carolina's supplies of drugs for lethal injections had run out and no pharmaceutical companies would sell it more if they could be publicly identified. The state subsequently shifted from a three-drug lethal injection protocol to one using a single dose of pentobarbital.

In 2022, a South Carolina trial court issued an

injunction preventing the state from carrying out executions using a firing squad or the electric chair, ruling that those methods violate the state's constitutional prohibition against "cruel, unusual, and corporal punishments."

Circuit Judge Jocelyn Newman cited experts who testified at trial that prisoners would feel terrible pain whether their bodies were "cooking" by 2,000 volts of electricity in the 1912-built electric chair, or if their hearts were stopped by bullets, assuming the three shooters hit their target.

The South Carolina Supreme Court ruled on July 31, 2024 that executions in the state could resume. The court ruled the death penalty law legal and humane because, in addition to lethal injection, the state legislature had authorized the use of the electric chair and firing squad as execution methods.

"Courts have never held the death has to be instantaneous or painless," wrote Grayson Lambert, a lawyer for Governor McMaster's office in its argument before the state Supreme Court in February.

The state's high court reasoned that the death penalty law was legal because the choice between the three methods showed that state lawmakers were genuinely opposed to inflicting pain. Four death row inmates had sued, arguing that all three methods constitute cruel and unusual punishment.

"Choice cannot be considered cruel because the condemned inmate may elect to have the State employ the method he and his lawyers believe will cause him the least pain," wrote Associate Justice John Few in the majority opinion for the state's Supreme Court.

South Carolina has now executed 45 people since the US Supreme Court reinstated the death penalty, according to the Death Penalty Information Center. There are currently 35 inmates on death row in the state.



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