

URGENT ACTION

RACIAL BIAS AS SOUTH CAROLINA EXECUTION SET

Richard Moore, a 59-year-old Black man, is scheduled to be executed in South Carolina on November 1, 2024 for the murder of a white convenience store clerk. Richard Moore was unarmed when he entered the store, demonstrating a lack of premeditation that raises serious questions as to whether the crime rose to the level for which the death penalty is reserved in US constitutional law. Both men were shot, the clerk fatally, after the clerk pulled two firearms on Richard Moore. At the 2001 trial, the prosecutor dismissed the only two prospective Black jurors, resulting in an all-white jury. We urge the South Carolina governor to grant clemency and commute Richard Moore's death sentence.

TAKE ACTION:

- Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
- [Click here](#) to let us know the actions you took on **Urgent Action 87.24**. It's important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

Governor Henry McMaster
State House, 1100 Gervais Street
Columbia, South Carolina 29201, USA
Fax: +1 803.734.5167

Email: <https://scgovernorcontact.force.com/constituents/s/contact-the-governor>

Dear Governor McMaster,

Richard Moore is scheduled to be executed in South Carolina on November 1, 2024. I am appealing for his clemency.

Justice Hearn concluded that Richard Moore's death sentence was disproportionate. He was unarmed when he entered the store – the clerk was shot by a gun (as was Moore) already on the premises. This alone raises questions about a lack of premeditation. Under US constitutional law, "capital punishment must be limited to those offenders who commit a narrow category of the most serious crimes, and whose extreme culpability makes them the most deserving of execution." Moreover, the prosecution's use of peremptory strikes against Black prospective jurors ensured an all-white jury.

The Inter-American Commission on Human Rights (IACHR) has issued precautionary measures calling for a stay of execution for Richard Moore to give the IACHR time to consider his full petition. As a constituent part of the USA, South Carolina is required under international law to heed the IACHR's call.

I note that former Director of the South Carolina Department of Corrections, Jon Ozmint, has described Richard Moore as an "exemplary" prisoner who would continue to be a "powerful force for good" if allowed to live.

I urge you to grant executive clemency to Richard Moore and to commute his death sentence.

Yours sincerely,

ADDITIONAL INFORMATION

In the early hours of September 16, 1999, the clerk in a convenience store in Spartanburg, South Carolina, was fatally shot and a money bag stolen. A customer playing video poker in the store said Richard Moore shot at him, but he was not struck. Soon afterwards, a short distance away, a police officer arrested **Richard Moore** who was himself bleeding profusely from a gunshot wound to his left shoulder. The money bag was recovered from his car.

Richard Moore was unarmed when he entered the store. Witnesses testified that the clerk carried a gun when he worked late, and the owner of the store kept several guns under the counter. Two guns were fired during the incident. When arrested, Richard Moore did not resist, saying, "I did it, I did it, I give up, I give up". He did not testify at the trial, but at a hearing in 2011, he testified that the clerk had pulled a gun on him, that they struggled for the weapon, and that he, Moore, fired "blindly" at him. A crime scene reconstruction expert concluded in 2017 that "the forensic evidence is consistent with Moore's testimony that he responded to the victim pulling a weapon on him and a shootout ensued but contradicts [the customer]'s testimony that Moore had possession of a gun before the first shot was fired and that Moore fired that shot at [the customer]". Richard Moore has always denied shooting at the customer in the store.

In her 2022 dissent, state Supreme Court Justice Kaye Hearn wrote that the case "highlights many of the pitfalls endemic to the death penalty, beginning with the role race plays". The victim was white. Richard Moore is Black.

Jury selection for Richard Moore's trial began on October 15, 2001. The only two Black people questioned before 12 jurors and two alternates (all white) were selected were peremptorily dismissed by the prosecution. Richard Moore's appeal lawyers have a petition pending before the US Supreme Court arguing that the prosecution engaged in disparate and excessive questioning of the prospective Black jurors compared to white potential jurors, and that the purportedly "race-neutral" reasons the prosecution gave for the removal of the two Black individuals do not survive scrutiny and show that the jury was empaneled in violation of the Equal Protection Clause of the US Constitution.

The entire trial lasted four days with the jury finding Richard Moore guilty of murder, assault with intent to kill, armed robbery, and possession of a firearm during the commission of a violent crime and voting for the death penalty. In 2022, the state Supreme Court ruled that the death sentence was not disproportionate. Justice Hearn accused her colleagues of wrongly "rejecting the significance of Moore's unarmed status upon entering the store" and "completely los[ing] sight of the vast difference between a 'robbery gone bad' and a planned and premeditated murder". Justice Hearn said she had been unable to find "any other case involving a defendant receiving the death penalty where he entered the place of business unarmed" and noted the "stunning admission" by the state at oral argument that it could not point to any case in South Carolina with this "distinguishing fact".

There have been 19 executions in the USA this year, and 1,601 since 1976. South Carolina accounts for 44 of these executions, including one in 2024.

PREFERRED LANGUAGE TO ADDRESS TARGET: English or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: November 1, 2024

NAME AND PREFERRED PRONOUNS: Richard Moore (He/Him)