

**APPLICATION FOR EXECUTIVE CLEMENCY**

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**IN THE MATTER OF:**

**RICHARD BERNARD MOORE**

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**ADDRESSED TO:**

**THE HONORABLE HENRY DARGAN MCMASTER**

Governor of the State of South Carolina

Columbia, South Carolina

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**APPENDIX**

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## INDEX TO APPENDIX

Doris Robertson (Juror) – Letter Supporting Clemency .....	1
Sandra Taylor (Juror) – Letter Supporting Clemency .....	2
Jon Ozmint – Letter Supporting Clemency .....	3
Jon Ozmint – Email Confirming Clemency Opinions .....	7
Judge Gary Clary – Letter Supporting Clemency .....	8
Lyndall Moore – Letter Supporting Clemency .....	9
Melissa J. Armstrong – Letter Supporting Clemency .....	10
Walter Codd – Letter Supporting Clemency .....	12
Jeanine Fishback – Letter Supporting Clemency .....	15
Alistair Gilchrist – Letter Supporting Clemency .....	16
Harold Harrington – Letter Supporting Clemency .....	17
James and Dorothy Hooper – Letter Supporting Clemency .....	19
Jennifer Johnson – Letter Supporting Clemency .....	20
Zoe Jones – Letter Supporting Clemency .....	22
Anna Moore – Letter Supporting Clemency .....	24
Vanessa Moore – Letter Supporting Clemency .....	25
Michael Morin – Letter Supporting Clemency .....	26
James Morton – Letter Supporting Clemency .....	27
Felicia Nash – Letter Supporting Clemency .....	28
Eric Peters – Letter Supporting Clemency .....	29
Karen Pfuerstinger – Letter Supporting Clemency .....	32
Jonathan Pinkney – Letter Supporting Clemency .....	33
Thomas Roddy – Letter Supporting Clemency .....	34

Rick Russ – Letter Supporting Clemency.....	35
Daryl Talley – Letter Supporting Clemency .....	36
Ravi Walsh – Letter Supporting Clemency .....	39
Janis Whitlock – Letter Supporting Clemency .....	41
Cari Willis – Letter Supporting Clemency .....	45
Declaration of Robert Tressel.....	46
Declaration of Donald Girndt.....	60
<i>Pre-Furman</i> Commutations for Similar Reasons.....	62

October 22, 2024

Doris Robertson



To: Governor McMaster

RE: Richard Moore

My name is Doris Robertson. I was a juror at Richard Moore's trial. I am writing in support of Mr. Moore's application for clemency. I would support the decision to commute Mr. Moore's death sentence to life without the possibility of parole based on the work he has done to rehabilitate himself while incarcerated. I believe that commuting his death sentence and re-sentencing him to life without parole would be appropriate.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Doris Robertson".

Doris Robertson



October 22, 2024

TO: GOVERNOR McMASTER

RE: RICHARD MOORE

My name is Sandra Taylor. I was a juror at Richard Moore's trial. I am writing to support his petition for clemency. I heard about Richard's rehabilitation and would support a life sentence.

Sandra Taylor





September 14, 2020

The Honorable Henry McMaster  
Governor's Office  
State House  
1100 Gervais Street  
Columbia, SC 29201

c/o John Blume, Attorney of Record for Richard Moore

Re: Commutation of Sentence ICO Richard Moore, SCDC #006003

Dear Governor:

I am writing in support of Mr. Richard Moore's application for clemency in the form of the commutation of his death sentence to a sentence of life without the possibility of parole (LWOP), the only possible commutation in his case under our law.

As you know, I spent most of my career working in our criminal justice system. I started as a JAG officer in the U.S. Navy, where I worked as a prosecutor and as a defense attorney. I spent more than a decade prosecuting crime in our state, first in a solicitor's office and later as the Chief of our State Grand Jury. I finished my governmental service as director of the Department of Corrections. Currently and during my previous stints in private practice, I have worked as a criminal defense attorney.

As a proponent of the death penalty, I have never made such a recommendation. However, I do not consider my support for Richard's commutation inconsistent with my general support for the death penalty, in the most egregious of cases, for three reasons.

**First, commuting Richard's sentence would benefit society and the inmates and staff of SCDC by allowing Richard to live out his days as a "commuted LWOP (life without parole) lifer."** Commutation would have a positive influence on hundreds of offenders who would be impacted by Richard's story of redemption and his positive example. With the exception of two minor disciplinaries, Richard has proven himself to be a reliable, consistent force for good, on death row.<sup>1</sup> Both of his infractions resulted only in verbal reprimand. Our

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<sup>1</sup> Richard's two disciplinaries were clearly minor; outside the strict confines of death row, it is unlikely that either of these offenses would have resulted in a written charge. Richard arrived on death row on October 22, 2001. These two minor infractions occurred over 16 years ago, relatively early in his SCDC career. The first took place in September 2002, for possession of Skittles out of his cell. He was given an oral reprimand. The



Jon Ozmint, Attorney at Law

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death row is small. The staff there know who can be trusted and Richard is clearly one of several reliable and respected inmates on the row. His story and his manner of living would allow him to be an influential force for good in general population, with an ability to have a positive impact on the most recalcitrant and hopeless of young offenders.

As you know, death row is just a name in our state. Condemned inmates are legally termed safekeepers. For decades, SCDC simply safeguarded condemned inmates until execution, which usually took place within a few months of sentencing. The entire concept of “death row” evolved only as the distance between crime and implementation of punishment stretched out from months into years, in the years before and after our U.S. Supreme Court banned and then reinstated the death penalty.

Most condemned inmates could live safely in general population. Some states have mainlined condemned inmates into their general prison population. And even here in South Carolina, for more than 100 years, former condemned inmates have lived successfully, with no issues in the general population. There are several such inmates currently doing well in SCDC.

SCDC needs good lifers, especially LWOP (life without parole) lifers, to serve as role models. Sentencing reform has been successful in many respects, not the least of which is reducing the population of SCDC. However, any experienced leader at SCDC will confirm that the loss of dependable, reliable, non-violent, short-term inmates has resulted in a prison population with a higher percentage of young, violent, truth-in-sentencing inmates with little incentive to behave or rehabilitate. Reaching and having a positive impact on those offenders is tough, in any system. However, Richard has a heart for those young men. I have spoken with him. Using programs and opportunities that Director Stirling has in place, such as character dorms, Jump Start, impact of crime, and others, Richard would bring the influence of having lived on death row and the heart of a born-again follower of Jesus. Allowing Richard to live out his last days in SCDC’s general population would provide SCDC with a powerful force for good.

**Second, objectively reviewed, Richard’s crime would have never been considered for the death penalty in most counties in our state.** Richard’s crime was a death penalty case in Spartanburg County - especially with the advocacy skills of then-Solicitor Gowdy - and may have been in a few other counties. But, in most South Carolina counties, this murder would have never been given consideration for the death penalty.

Such a county by county, circuit by circuit, solicitor by solicitor, comparison is not appropriate for our courts. However, we all know that the death penalty has always, and/or at times, been “off the table” for certain solicitors and certain venues. Indeed, dozens of murderers currently serving life sentences in SCDC had more serious criminal histories and committed far

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second took place in October 2004, for disrespect, when Richard used foul language toward an SCDC staffer. Again, he was given an oral reprimand.





more heinous killings.<sup>2</sup> Mr. Blume and his team make a more compelling case in this regard than I can, but most compelling is the uncontested fact that Richard did not have a weapon when he entered the store where he shot Mr. Mahoney. So, even if he had planned to steal something from the store, he certainly did not plan to commit armed robbery.

While it was not unreasonable for the jury to find that Richard developed the necessary premeditation and intent to kill in the few moments as events unfolded during the early morning hours of September 16, 1999, for me, the fact that he did not carry a weapon into the store is determinative. As Solicitor Gowdy so ably proved at trial, Richard was no stranger to crime. Therefore, if he intended to rob the store before he entered, he would have carried a gun. Since he did not take a weapon, he clearly did not enter the store with intent to commit armed robbery. By all accounts, he attempted to make a purchase but when he went to check out, he had insufficient funds.

**Third and finally, the most compelling reason justifying commutation for Richard is his manner of life on death row.** As the Apostle Paul was writing his letter to the church at Philippi, he was becoming more convinced that he would not get to travel to see them again. He wanted to do so and to visit Spain, but as Nero refused to budge and as prayers for his release remained unanswered, he clearly began to doubt that God would rescue him from this captivity and likely execution, as He had done previously. In that state of mind, Paul worked toward contentment with either outcome and he wrote these famous words: “For me to live is Christ, but to die is gain.”

Here is what I think Paul meant. He knew two conflicting outcomes were possible. First, in his mind, he knew that, if released, he would continue to teach, disciple and support Christians and young churches wherever God allowed. On the other hand, he also knew that dying meant eternity with Jesus and, on a more practical level, this brilliant but humble apostle knew that dead men have more stature. He knew that his death would be a rallying cry for the church.

I have spoken with Richard. He is at peace. His attitude about this request for clemency mirrors Paul’s famous words.

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<sup>2</sup> Over the years, I have known dozens of men whose horrible crimes – often involving multiple murders – were never even considered for death sentences. I have known dozens more with similarly horrible crimes who avoided the death penalty by virtue of venue, prosecutorial politics/philosophy, and for a host of other reasons. I have watched as many of these men, whose crimes were far more heinous and planned than Mr. Moore, have served well in SCDC and a few have even earned parole, living out their years in society without so much as a parking ticket. There simply is no rational argument to be made that the death penalty is sought and applied consistently - county by county - in our state. That does not make the death penalty ineffective or unconstitutional. However, it seems fair consideration for you as chief magistrate of our state in making a clemency decision.



I have known and observed many lifers in SCDC; men who live with exactly that mindset. I can name dozens of parole eligible men, good men making a positive difference in SCDC. These men, by all objective measures, are at no risk to reoffend and deserving of parole. I have watched them deal with rejection after rejection by our parole board by picking themselves up and getting back to work, serving SCDC, serving our state, and serving others. Similarly, through rejection after rejection in our courts, Richard has continued to live an exemplary life.

Governor, ironically, perhaps the most compelling reason to commute Richard's sentence is that regardless of your decision, Richard will not change. Perhaps the most compelling reason to commute Richard's sentence is precisely because he is at peace with whatever decision you reach. **Either way, Richard will live out his last days as a follower of Christ, in a manner consistent with his life over these past 15 years. In that regard, our criminal justice system has already achieved its highest and most lofty purpose in the life of Richard Moore.**

Thanking you for your consideration of Richard's request for clemency, I remain,

Very respectfully yours,



Jon E. Ozmint

JEO/rd  
Enclosure





Lindsey Vann &lt;lindsey@deathpenaltyresource.org&gt;

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**Richard Moore Clemency Submission**

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jon@ozmint.com <jon@ozmint.com>  
To: "Lindsey S. Vann" <lindsey@justice360sc.org>

Tue, Oct 29, 2024 at 9:35 AM

Lindsey:

My opinion and thoughts have not changed.

Jon E. Ozmint

Attorney at Law



Veteran Owned

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**Gary E. Clary  
Circuit Judge (Retired)**



October 29, 2024

The Honorable Henry Dargan McMaster  
Governor of South Carolina  
South Carolina State House  
1100 Gervais Street  
Columbia, SC 29201

Re: Richard Bernard Moore

Governor McMaster:

I write this letter to respectfully request you to grant executive clemency to South Carolina death row inmate, Richard Bernard Moore, and commute his death sentence.

During my service as a circuit judge for our great state, the Chief Justice of the South Carolina Supreme Court appointed me to preside over nine (9) death penalty trials from 1993 to 2002. Presiding over these complex cases was something that I never desired, and each trial represented a tremendous burden and responsibility to ensure the state, each defendant and the victims received a fair and impartial proceeding. The oath I took as a circuit judge required that I uphold the law and constitution of our state and the Constitution of the United States.

One of those appointments was the case of Richard Bernard Moore. In October 2001, the jury found Mr. Moore guilty of murder of James Maloney, and at the conclusion of the sentencing phase of the trial, the jury found presence of the aggravating circumstance and recommended a death sentence. In accordance with South Carolina law, I imposed the death sentence. In no way do I quibble with the jury's verdict, and I make no excuse on behalf of Mr. Moore for his actions that resulted in the death of James Maloney.

Over the years, I have studied the case of each person who resides on death row in South Carolina. Richard Bernard Moore's case is unique, and after years of thought and reflection, I humbly ask that you grant executive clemency to Mr. Moore as an act of grace and mercy.

Thank you for considering my request.

Sincerely,

A handwritten signature in blue ink that reads "Gary E. Clary".

Gary E. Clary

November 6, 2020

Dear Governor McMaster,

My name is Lyndall Moore and I am writing to you on behalf of my father Richard Bernard Moore, an inmate at the South Carolina Department of Corrections. My father was sentenced to death after the fatal shooting of James Mahoney during an attempted robbery in Spartanburg in 1999, and a warrant for his execution was recently issued. I am writing to request that you exercise your power as governor to grant some form of clemency for my father, ideally reducing his sentence to life in prison rather than death.

The fact that James Mahoney had his life taken away from him because of the actions of my father, and that Mr. Mahoney's family has had to grieve his loss for the past two decades, is an absolute atrocity. It is not with disregard to the victim's family or to the justice system at large that I write this letter to you asking for clemency. My father is simply not the same man he was when he took Mr. Mahoney's life. He is not the same youth that compiled an unfortunate history of violations. My father has grown into a person committed to taking responsibility for his actions and to doing his absolute best to lead a life of faith and good deeds. Should he be executed, we would not be ridding ourselves of a violent criminal nor a threat to others; rather, we would be losing a clear testament to the fact that human beings are capable of reflecting on and seeking redemption for their worst actions, and that a troubled past is no guarantee of a troubled future.

My father has no history of misconduct or trouble-making as an inmate since his sentencing. He has become an avid reader, artist, and follower of Christ. He has participated in outreach programs aimed at educating at-risk youth about the dangers of following a path similar to his own. He has always made a genuine and consistent effort to maintain contact with his children and play a positive role in our lives, even at times when my sister and I have not been the most receptive. Not having my father around growing up has obviously been difficult, but my decision to forgive comes easily because I have seen that he is a truly loving individual who would do anything in this universe to take back all of the harm he has caused. I am hoping that this letter serves as a means by which you may also see this side of my father.

I am not asking that you, the state, or Mr. Mahoney's family forget the tragedy that came at the hands of my father. I am not asking that any of my father's poor decisions or bad deeds be disregarded or diminished. What I am asking is that we also consider all of the good deeds that an individual is capable of doing after owning up to their worst acts and committing themselves to being a better person. I am asking that we take into account that my father is no longer the version of himself that took the life of James Mahoney, but rather a wiser, more empathetic version that would like nothing more than an opportunity to continue a life of service to his community and family.

I hope you will agree that a youth characterized by wrongdoing can certainly be followed by an adulthood of genuine remorse, self-reflection, and correction. My father spends every day of his life trying to be better than he was as a young man. He wants his children to be better than him. He does not make excuses for his actions – his only interest is in staying alive so that he can serve as an example to those most at risk of going down a similar path, and so that he can play as much of a role as possible in the lives of his family. My father is a good person, and his life is worth sparing.

Please take into account what I have written on my father's behalf, and consider what options may exist as far as granting clemency. Any efforts on your part will be immensely appreciated.

Sincerely,

  
Lyndall Moore



Melissa J. Armstrong

November 22, 2020

Honorable Henry Dargan McMaster  
Governor, State of South Carolina

Re: Clemency for Richard Bernard Moore

Dear Governor McMaster:

I am submitting this letter in support of clemency on behalf of my former client, Richard Bernard Moore. I previously represented Richard Moore during his South Carolina state post-conviction relief proceedings. During my representation of Richard Moore, I got to know him as a person and have continued to correspond with him over the years.

Richard Moore's case continues to stand out in my mind because of its unusual facts—Mr. Moore was unarmed when he entered the convenience store and encountered Mr. Mahoney whose death would later result in Richard Moore being charged with capital murder for which he was sentenced to death. Yet, despite these unusual facts leading to Mr. Mahoney's death, and notwithstanding the fact that Richard Moore was actually shot first in the dispute with Mr. Mahoney, Richard Moore has consistently shown himself to be a remorseful person, and he has consistently expressed regret over the death of James Mahoney.

Richard Moore continues to stand out in my mind because of his consistent positivity, which has led him to reconnect with his children and remain free of any significant disciplinary infractions. And, despite the dire circumstances in which he finds himself, Richard Moore has demonstrated that he is ready, willing, and able to make a positive contribution to the world, both inside the S.C. Department of Corrections, as well as outside of the prison walls, by encouraging and supporting his talented and successful children with whom he has a loving paternal bond.

If granted clemency Richard Moore could continue making positive contributions to society, both as a model inmate as well as a supportive parent of two children with whom he has a loving and unbreakable bond.

For the foregoing reasons, I respectfully seek and urge the granting of clemency on behalf of Richard Bernard Moore.

Respectfully submitted,



Melissa J. Armstrong

# PEACE MINISTRIES

**A Prison/Ex-offender And Common Experience Ministry**

**Walter Codd, Founder/Director/Religious Studies Facilitator (586) 855-8271**



October 20, 2020

Honorable Governor Henry McMaster

RE: Richard B. Moore

Dear Governor McMaster:

I am writing this letter regarding Richard B. Moore who is currently on death row in Columbia, SC.

First I would like to tell you something about myself. On July 9, 1965 at the age of 17, I was involved in an armed robbery. During the course of the robbery the store manager grabbed me from behind causing the gun I was carrying to discharge, fatally wounding the store manager. If Michigan had the death penalty, I would have certainly been a candidate. Because Michigan didn't have the death penalty, I was given the maximum sentence. Life without the possibility of parole.

During the course of my life sentence, I matured and realized the tragedy of my actions and the overwhelming pain that I caused the victim's family. I took fully responsibility for my crime and never tried to blame someone else. I made up in my mind that I was going to try and be the best possible person that I could be. I obtained my GED and my Associates Degree while I was in prison. I participated in various programs to help people in the community. After only seven (7) years I was granted minimum custody status and after ten (10) years was placed in minimum custody in the camp program with no walls, no fences; Just the trust that the department of corrections had place in me. I was on the work pass program that allowed me to go to a regular job in the community and earn a regular pay check. After having served 19 years, I met a woman who eventually would become my wife and we have now been married for over 33 years.

With her help and the money that I had saved from my work pass job, we hired an attorney who appealed my case. My conviction was overturned and the judge, after looking at my prison file, allowed me to plead guilty to a lesser charge and after 24 years, 6 months and 10 days I was released with a sentenced of time served; No parole, no probation. Clearly the judge went against the objections of the prosecutor and the victim's family who wanted me returned to prison.

I went back to school and in 1999, I received my Bachelor of Science Degree in General Studies, with concentrations in sociology, psychology and communications from the University of Michigan.

After becoming a born again Christian, I founded PEACE Ministries, which is an acronym for Prison Ex-offender And Common Experience. For nearly 20 years I have worked with prisoners encouraging them to be the best person they can be, both in prison and on the outside if they are eventually released. I emphasize spiritually, morality and ethics. My purpose is to give back to others. I have taken classes at Mid Western Christian Institute and although I am not an ordained minister, I have spoken at various congregations in Michigan as well as in Indiana and Arizona. I have also spoken to inmates at the Parnall Correctional Facility in the Michigan Department of Corrections.

My wife has known Richard and his entire family since they were little children in Sunday School and Vacation Bible School together. In fact, Richard's grandfather and my wife's uncle were brothers. I have corresponded with Richard via telephone and letters for over ten (10) years. After teaching him scriptural doctrine, he made the decision to get baptized and become a true Christian. With my efforts and the help of my wife, Richard was able to do so. Since his baptism, he has done his best to teach others and be the example to them that I have taught him to be.

Richard has often expressed his remorse for the taking of a life and his regret for his actions and the pain that he caused the victim's family.

When Richard calls our home, it is our intention to offer him encouragement and to uplift him. However, because of his Christian attitude and expression, he often uplifts us.

Governor McMaster, I am pleading with you to give Richard the chance to live and be the positive influence that I know he will continue to be.

When the woman in John 8:3-7 was caught in the act of adultery, the law at that time was that she should be put to death. Yet Jesus looked upon the woman with compassion and told the would-be executioners to let the person without sin, cast the first stone. Each individual left because they knew that all of us have sinned; Some with far more tragic results than others.

But when a person has shown that they have changed and are truly sorry for their actions, they deserve the chance to live and testify of God's grace, mercy and love. As a Christian I can not support the death penalty. Romans 12:19 says, "...Vengeance is mine; I will repay, saith the Lord." First Peter 3:9 says, "Render not evil for evil..."

Again, my wife and I plead with you to intercede and grant Richard the opportunity to live and be a productive individual even in his current environment.

May God bless you in the awesome responsibility that is inherent for someone in your position.

Sincerely,

A handwritten signature in cursive script that reads "Walter T. Codd". The signature is written in dark ink and is positioned above the printed name.

Walter T. Codd

Dear Governor McMaster,

I hope this letter finds you in good health and blessed.

My name is Jeanine Fishback. In short I am reaching out to you on behalf of Richard Bernard Moore. Richard is presently on Death Row in the South Carolina correctional system. I am earnestly urging you to intervene and grant Clemency to Mr. Moore.

I have known Richard since we were teenagers in high school together. I would like to address the Richard I know him to be, then and now. In order to do that please allow me to give a personal account of his character.

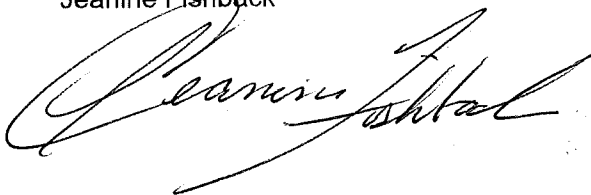
I've never known a time when he wasn't respectful. From asking my permission for our 1st kiss in high school. To the manner in which he carries himself, even now, after many years of incarceration. We lost track of each other after I moved away for college, something I very much regret. When we reconnected 10+ years into his sentence, he was still the same thoughtful person I admire. Every relationship I've ever had has been measured by his many acts of respect and honesty –not many (if any ) have measured up.

Richard walks in a light that can't be removed, and brings a light and comfort into every conversation. I wish you were able to talk with him, Talk to the man Richard is and not make a decision from an empty place. You would be able to feel, not just hear, his sincerity and passion for life. The wisdom he shares, guidance he provides, as he lives his life with great intention.

What unfolded that day was painful and complex. There were many victims. Consider time served for an unplanned, unintentional, unexpected tragedy. Do not allow ending a life, further victimizing those who love and need his wisdom. Do not allow ending the life of a person who is so full of life and appreciative of all it brings. Please listen to your heart and examine your soul and pray for clarity.

Thank you for your time

In all Sincerity,  
Jeanine Fishback



GOVERNOR HENRY McMASTER

REF. RICHARD B. MOORE # 6003

MY NAME IS HAROLD H. HARRINGTON  
FROM MT. CLEMENS, MICH. I AM RICHARD'S  
UNCLE THE BROTHER TO HIS DECEASED MOTHER,  
ANN MOORE. RICHARD WAS A GOOD AND NON-  
VIOLENT PERSON GROWING UP IN MT. CLEMENS.

RICHARD HAS BEEN IN PRISON FOR 20 YEARS  
FOR THE CRIME THAT HE WAS FOUND GUILTY OF  
COMMITTING. HE BECAME A MEMBER OF THE  
CHURCH OF CHRIST AND GAVE HIS LIFE TO GOD  
THRU WALTER CODD'S PRISON MINISTRY AND  
BECAME A CHRISTIAN. RICHARD IS A CHANGED  
MAN, AND I BEG YOU TO GIVE HIM A SECOND  
CHANCE AND SAVE HIS LIFE.

RICHARD HAS TWO CHILDREN AND A GRAND-  
DAUGHTER THAT HE LOVES AND THEY LOVE HIM  
DEARLY. THEY ALSO WOULD LIKE HIS LIFE SAVED  
BY GIVING HIM A SECOND CHANCE, AS WELL AS  
HIS SISTERS AND BROTHERS.

PLEASE FIND THE SPACE IN YOUR HEART TO  
GIVE RICHARD A SECOND CHANCE AND SAVE HIS  
LIFE.

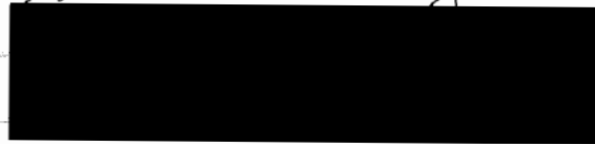
I WRITE THIS LETTER WITH GOD IN  
MY HEART AND RICHARD IN MY PRAYERS  
EVERYDAY.

I THANK YOU FOR TAKING THE TIME  
TO READ MY LETTER AND MY PLEA.

SINCERELY YOURS

HAROLD H. HARRINGTON

*Harold H. Harrington*





Mr. and Mrs. James and Dorothy Hooper



November 2, 2020

Governor Henry McMaster  
State House  
1100 Gervais Street  
Columbia, South Carolina 29201

Dear Governor Henry McMaster,

We are writing this letter to you on behalf of our nephew, Richard Moore. His attorney, Ms. Vann, reached out to us and asked if we would be willing to write to you in an effort to possibly save him from execution. My husband of 66 years and I agreed to do this without hesitation. We humbly request that you receive this letter in the manner in which it is written; with honor, humility and respect.

Richard grew up with our son, Mark. They were born seven days apart. Growing up, they shared several birthday parties together. However, as they grew up, they moved in different directions. As a young adult, Richard lead a troubled life until it eventually resulted into his current situation.

We believe Richard had a change of heart when he accepted Christ into his life a few years ago. He keeps in contact with our church's Prison Ministry. We believe Richard is truly sorrowful for his actions and that God has forgiven him.

We realize executing Richard will not bring the murdered victim back, but we are respectfully asking that you have mercy on him. We also pray for the family of the victim and pray that God will continue to comfort them.

Sincerely,

*Dorothy J. Hooper*

James and Dorothy Hooper

*Carl J. Hooper*



# 10<sup>TH</sup> CIRCUIT PUBLIC DEFENDER OFFICE

Anderson County Office  
500 S. McDuffie Street  
Anderson, SC 29624  
Tel. 864.260.4048  
Fax 864.260.4134



Oconee County Office  
415 S. Pine Street  
Walhalla, SC 29691  
Tel. 864.638.3133  
Fax 864.638.0228

**JENNIFER L. JOHNSON**  
**CIRCUIT PUBLIC DEFENDER**

October 29, 2024

The Honorable Henry McMaster  
State House  
1100 Gervais Street  
Columbia, South Carolina 29201

Re: Letter in Support of Richard Bernard Moore Petition for Clemency

Dear Governor McMaster:

I write in support of Richard Bernard Moore's petition for clemency. Mr. Moore was convicted of murder and armed robbery in Spartanburg County in October 2001. He was sentenced to death for his crimes and is scheduled to be executed on November 1, 2024. While I acknowledge the severity of Mr. Moore's crime and the profound impact it has had on the victim's family, I believe there are compelling reasons for mercy in this case.

I write to you as a concerned citizen of South Carolina, as a career public defender and as a mother. I met Mr. Moore when I was a newer attorney in the Spartanburg Public Defender Office. My colleague, Michael Morin, and attorney Keith Kelly were appointed counsel for Mr. Moore. My role as a member of the defense team was limited, but I had numerous opportunities to engage with Mr. Moore and to come to know him as a person and as a father.

As a fellow attorney, you have the experience, wisdom and insight to observe that the law is ever-evolving. Mr. Moore's offense occurred in 1999. This was six years before the US Supreme Court ruled that it was unconstitutional to execute juveniles. Mr. Moore was not a juvenile at the time of this offense, but I point to this as an example of the evolution of legal jurisprudence. It is through our reflection and growth that we, as a society, can learn from our past and become better and more thoughtful citizens. Our State, our criminal justice system and our culture have evolved in the twenty-five years since this senseless and tragic crime.

As I near twenty-seven years in legal practice – nearly all of which has been in public defense – I can attest with near certainty that the facts and circumstances surrounding Mr. Moore’s case would not compel the State to seek the death penalty if the crime occurred today. Mr. Moore was UNARMED at the time he entered the convenience store. The two guns that were fired during the incident were brandished by the clerk/victim. There is little in the record to suggest that Mr. Moore intended to rob the clerk, much less commit a pre-meditated, cold-blooded killing. As an attorney, I ask for clemency.

As a fellow parent, you have the compassion to understand the impact that Mr. Moore’s death will have on his children and grandchildren. I have struggled talking to my own children about this case. My daughter is 19 and is a freshman Criminal Justice major at Clemson University. My son is 16 and is a Junior at TL Hanna in Anderson. Both have witnessed my heartbreak about this case. Mr. Moore’s children and grandchildren are likely to suffer long-lasting emotional, psychological, social and even physical impacts as a result of their father/grandfather’s death. The parent-child bond is sacred. As a mother, I ask for clemency.

Mr. Moore has spent over two decades on death row and, during this time, has shown deep remorse for his actions. His time in prison has not only allowed him to reflect upon his past but has also provided him with the opportunity to express genuine sorrow and seek redemption. I am particularly moved by John Ozmint’s recommendation to your Office in 2020 that Moore should be allowed to live in prison, where he has shown “the heart of a born-again follower of Jesus” and become “a powerful force for good.” Simply put, Mr. Moore is worth saving.

As governor, you have demonstrated your commitment to both justice and humanity. Granting clemency in this case would not diminish the gravity of the crime but would instead acknowledge the complexities of human life, rehabilitation, and mercy within the justice system. Granting clemency would recognize the evolution in the law – and in our hearts.

I appreciate your time in considering this request. Please, Governor McMaster, I ask that you spare Mr. Moore’s life, allowing him to live out his sentence in prison.

Respectfully,



Jennifer L. Johnson  
Circuit Public Defender



October 29, 2024

The Honorable Henry McMaster  
State House  
1100 Gervais Street  
Columbia, SC 29201

Dear Governor McMaster,

My name is Zoe Jones, and I am writing on behalf of Richard Moore. Like you, I am an attorney who has worked in public service. I clerked on the United States Court of Appeals for the Seventh Circuit and the District Court for the Northern District of Illinois, followed by time working in local government. I am also a former resident of South Carolina.

I met Richard nearly ten years ago, when I was a student at Cornell Law School and was assigned to work on Richard's case as part of a law school clinic. Richard was a new client for the clinic, and I flew down to South Carolina to meet him, unsure of what to expect. I spent my spring break in Spartanburg, learning about what had happened, and driving to the prison to meet Richard and speak with him about the case.

At first, Richard was guarded. This is understandable given the experiences he had with previous attorneys. Despite death penalty cases being of the utmost gravity, attorneys so often fail to give these cases the time and attention they deserve. This was true in Richard's case. His trial attorneys barely met with him and did little to prepare to try his case. His attorneys made little attempt to interview Richard's family, standard practice in death penalty cases, even at that time. And they did nothing to contest the theory that the case was capital murder, despite strong evidence that a lesser offense was committed. Likewise, Richard's post-conviction attorneys put minimal effort into representing him, a fact they have admitted. But once Richard could see the dedication of the new team working on his case, he opened up. Not only was he willing to share details needed in representing him, he also showed who he was as a person, and that he was much more than the worst thing he had ever done.

My time as a student in the clinic ended, as did my time continuing to work on Richard's case in South Carolina after I graduated. But my relationship with Richard did not. Since I first met him, nearly a decade ago, Richard has remained a loyal friend and is a genuine, intelligent, and deeply caring individual. We speak and correspond regularly, sharing updates about our lives, mostly about our families. Richard cares deeply about his family, as I do mine. He shares details about his children and grandchildren, whom he adores. Like clockwork, on my birthday and at Christmas, I can expect a cheerful card and heartfelt letter from Richard. He has sent his congratulations on multiple milestone occasions, new jobs, moves cross-country, my wedding,



and the news that I was expecting each of my children. The care and support he has shown is more than that shown by many of my own family members.

The death penalty is the most awesome power the State holds. It is to be reserved for the worst of the worst crimes, for the utterly irredeemable offenders. I can tell you with my hand on my heart that this is not such a case. I truly believe that, had Richard received proper representation at his trial, he would not be sitting on the same death row that is meant to be reserved for those who have raped, tortured, and meticulously planned gruesome crimes.

I do not mean to minimize the death of Mr. James Mahoney. I sympathize greatly with his loved ones, as anyone who has lost someone they love would. Richard, however, also has loved ones. He has a daughter who served her country in the military, a son who went on to graduate with an Ivy League education, and young granddaughters. Like the family of Mr. Mahoney, Richard's family is innocent in all of this. Executing Richard would do nothing but bring pain, suffering, and heartache to his family. It will not bring Mr. Mahoney back—it will only create another set of family members missing someone they love. How can this be called justice?

Moreover, Richard's case is deeply affected by undercurrents of racism. The history of the death penalty in South Carolina is inextricably tied to race, and black men are overrepresented on South Carolina's death row, especially those who have killed a white person. As a black person in America, I can tell you that it hurts me deeply to see the tool of capital punishment being used under these circumstances.

I humbly ask you to spare the life of my friend Richard. The alternative here is not a return to normalcy for Richard, it is a lifetime in prison, which is more than sufficient atonement. I ask that you show mercy, for Richard's family and for his friends. Please also consider what an act of mercy would mean to the many black South Carolinians who have wondered if their lives are valued by those in power. I am certain that, as Governor, it is your goal to help the people of your great state. Please use this opportunity to heal, not to cause further harm.

I am available, at your convenience, to speak further about Richard, his case, or what granting clemency would mean to so many people. Thank you for your time and consideration.

Sincerely,



Zoe Jones

Governor Henry McMaster,

This letter is in regards to my Uncle, Richard Moore. Growing up I didn't know much about his situation and whether or not I would ever be able to visit him. Once getting a little older I was told of what happened and the outcome that came with it. My experience with him and the 14 years that I have known him it has been nothing but good. He has impacted all of our family to want to come together again and make sure that we are always ok. He has made sure that if he wasn't ok at least he was sure that his family would be ok. I started writing letters to him when I was about 16 years old because I was a shy individual and didn't like talking on the phone. I always struggled with family problems and those never really went away. Anything I said to him in letter always stayed between me and him due to the fact that he told me "he would always be there for me no matter what happens". Ever since that point in my life there has been nothing but positive impacts from that point forward. Once I graduated high school I went to boot camp for the Marine Corps. In boot camp I would write to him and tell him what was all going on there and he would always give me positive reinforcement that I was looking for. When no one was by my side he always made sure that someone was in my corner even if I didn't have anyone. When I graduated boot camp and passed all my training that I needed him he always encouraged me to do everything that I wanted to do and made sure that I knew someone cared for me and took care of me. The one thing that a lot of people never realized is that he loved all of us no matter what happened even when my parents weren't in my corner. One thing that he does is never gives up on people he cares about and never turns his back on people even when he is in need. Even though he can't do anything while incarcerated he still made sure his family didn't need anything and stayed in contact with his direct family. He always prays that I am ok and cared for, he keeps his faith alive and well even when things don't go his way. Through the last year and a half he has always been by my side no matter what, he has shown great character development and has improved himself in ways I can't even explain. I am currently deployed right now and this is as much as I can do. I try to help with his situations like he helps with mine. He's one of the only family that I still keep in touch with currently.

If he leaves this earth many people won't know what to do/think anymore and everyone will be heart broken. The way he is the structure of some people's lives is true, he continues to build people's minds and body for God and his faith that he has. If he leaves I will be at a great loss and many people won't be able to handle it. He has shown me what it is like to be loved and cared for. He has shown me what I need to do to be better and where I need to go when things go bad. If it wasn't for him I don't know what I would have done being all alone and having no one to turn to. But I wasn't alone I had him the whole time and I wouldn't have had it any other way while enduring all those personal things. He helped me realize that just because things go bad doesn't mean it's the end of the world and no one else cares, just because you don't get certain things doesn't mean we don't work for them, he is still working for everything he is doing and doesn't plan to stop at nothing no matter what happens. In conclusion he always has my support so I will always have mine no matter what. I want to see his life spared, not see it end. He is the rock to many people's support walls, he is that brick that if you pull it out the whole wall will crumble. He watches as everyone goes through ups and downs but can't do anything about his situation except have people on his side. I want to see my Uncle, Richard Moore's life spared. Thank you for giving me this opportunity to send out this letter and state my piece, hopefully it makes a difference and if it doesn't I still Love Him while heartedly.

Very truly yours,



Anna Moore

Niece of Richard Moore

JUNE 15, 2021

DEAR GOVERNOR HENRY McMaste,

I'm writing this letter on behalf of my Brother Richard Bernard Moore who is currently on Death Row to ASK that you spare his life.

I FEEL his life should be spared because he is still a good, loving father, brother and friend. I understand he made a terrible unreversible mistake, but he is still a good loving person. Growing up he always showed compassion and love for his family and friends.

And if given another chance I FEEL deeply in my heart he CAN and will be A positive and God fearing MAN.

This whole situation has taken a toll on MYSELF NOT BEING ABLE to visit him OR SEE him SINCE WE ARE IN Seperate STATES.

SINCERELY  
VANESSA MOORE

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**MICHAEL D. MORIN**  
**CIRCUIT PUBLIC DEFENDER**

366 NORTH CHURCH STREET  
SUITE 3000  
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561  
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September 24, 2020

Governor Henry McMaster  
Care of Lindsey S. Vann  
Counsel for Richard Moore  
900 Elmwood Avenue, Suite 200  
Columbia, SC 29201

Dear Governor McMaster,

I was one of two attorneys who represented Richard Moore at his trial. During my representation of Mr. Moore I spent a great deal of time with him. Mr. Moore was always thoughtful, respectful and sorry for what happened.

I have been involved with the criminal justice system for nearly thirty years. During that time I have both represented and prosecuted many murder cases. This is the only one whereby the undisputed fact is Mr. Moore was not armed when he entered the store in question and was undoubtedly fired the weapon from the victim in defense of being fired upon. It should also be noted the physical evidence supports Richard's testimony regarding how the weapons were introduced to the dispute he was having with the store clerk.

While I understand Mr. Moore is by no means perfect, I cannot stress the unusual nature of the facts in his case. It would be unfortunate if he is executed for this unusual case.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael D. Morin".

Michael D. Morin  
Circuit Public Defender  
Seventh Judicial Circuit



# MORTON & GETTYS

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Certified Civil Court Mediator \*

Certified Circuit Court Arbitrator †

Certified Family Court Mediator ‡

Certified Employment Law Specialist §

October 28, 2024

My name is James Morton. I am one of the attorneys who represented Richard Moore in 2011 in an appeal of his conviction. He and I became friends when I began working with him in 2007 and have remained friends over the last 17 years. I have visited with him often and we correspond and talk frequently.

Although he is confined to death row and has been for the last 24 years, he consistently wants to talk about me, my wife and my children, and not about himself and his situation and future. He always remembers our birthdays and sometimes sends our family his artwork.

He lived a hard life leading up to that tragic night that resulted in the death of Jamie Mahoney in 1999, for which he is so regretful and remorseful. But before his incarceration, he fathered two children; a son who recently graduated from the University of Pennsylvania and a daughter, a former officer in the United States military.

I truly believe that Richard Moore can positively impact the lives of the limited few guards, prisoners and others like me with whom he is allowed to have contact. Personally, I know that my life and the lives of my family are infinitely better because of the outpouring of love and lessons learned from him. He has given much more to me than I have to him.

I humbly ask you to speak from your heart, which I know is compassionate, and spare the life of this man, who despite the tragic events of September 16, 1999, has done much to repent, who is full of remorse and from whom many can reap the teachings of his heart. He can be a shining light to others for years to come. Whatever the cost to house one more person would surely be outweighed by the good he can impart. Richard, my family and I pray for forgiveness from the Mahoney family and the people of South Carolina.

Sincerely,

James M. Morton  
Attorney at Law

www.mortongettys.com

Fountain Park Place  
331 E Main Street, Suite 300  
Post Office Box 707  
Rock Hill, SC 29731  
office 803.366.3388  
fax 803.366.4044

A LIMITED LIABILITY COMPANY

October 27, 2020

Felicia Nash



**Dear Governor Henry McMaster,**

I am writing this letter in the hopes that it will help you to see what kind of person Richard Moore is, despite the transgressions that led us all to this point. I feel that Richard deserve a second chance to give back to the community & He have learned from his mistakes. I talk to Richard frequently & Richard does regret what happened. Richard is very Spiritually Motivated & Expects Jesus Christ as his Lord & Savior. I'm Praying that the Courts Give Richard another Chance. To Prove that he has CHANGED FOR THE BEST!

Sincerely, Felicia Nash



ERIC PETERS

RE: RICHARD MOORE

TO: GOVERNOR HENRY McMASTER

I'VE KNOWN RICHARD FOR OVER 50 YEARS. RICHARD AND I GREW UP IN A SMALL CITY IN MICHIGAN. WE ATTENDED THE MT. CLEMENS PUBLIC SCHOOL SYSTEM TOGETHER. WE ALSO PARTICIPATED IN SPORTS TOGETHER.

RICHARD WAS ALWAYS A FUN SPIRITED, HAPPY GO LUCKY, TYPE OF GUY. HE WAS WELL LIKED IN OUR COMMUNITY. HE WAS A LOVING AND CARING PERSON.

IN OUR MANY YEARS OF FRIENDSHIP, WE ALWAYS SUPPORTED ONE ANOTHER, NO MATTER THE SITUATION, WHETHER WE NEEDED TO TALK ABOUT THINGS WE WERE BOTHERED BY OR NEEDED HELP FINANCIALLY FROM ONE ANOTHER.

I WAS VERY BOTHERED TO HEAR ABOUT THIS CASE, AND THE SEVERITY OF IT. I UNDERSTAND THE SERIOUSNESS OF THIS CASE. HOWEVER, I PRAY THAT THE COURTS SHOW SOME LENIENCY ON MY DEAR FRIEND.

RICHARD IS DEEPLY SADDEN ABOUT THIS WHOLE SITUATION, AND REGETS THE PAIN HE HAS CAUSED. I AM POSITIVE TO SAY HE ACCEPTS SOLE RESPONSIBILITY FOR HIS ACTIONS.

RICHARD IS A CHANGED MAN WITH A STRONG FAITH IN GOD. I SAY THAT TO SAY, GOING FORWARD HE WILL BE LED BY GOD.

I PRAY THAT AFTER READING MY LETTER, YOU WILL HAVE MERCY ON MY CHILDHOOD FRIEND RICHARD MOORE.

IT'S BEEN 24 YEARS AND HE'S HAD NOTHING BUT TIME TO RECAP WHAT HAS HAPPENED.



I HOPE THIS LETTER REACHES YOU  
IN GOOD SPIRIT AND TOUCH YOUR  
HEART THAT YOU MAY SPARE MY  
DEAR FRIEND LIFE.

THANK YOU FOR ALLOWING ME TO  
SHARE MY THOUGHTS AND BELIEFS.

SINCERELY YOURS,

Eric Peters

November 10, 2020

Dear Governor Henry McMaster,

My name is Karen Pfurteringer and I am writing in reference to Richard Moore. First let me start by saying I am a licensed counselor in the State of Michigan and I have worked with people who substance abuse issues, mental health issues and people who have been incarcerated. Mr. Moore has been a friend to me since the early nineties and I am here to say he has made a remarkable change in his life. I always thought that I would be the one to encourage Richard during his incarceration but he is the one that truly inspires me when I have had a hard day or I am going through a situation. Richard is also the uncle of my four children. What I have heard Richard do when talking to my children is to encourage them to do the right thing and offer his support and knowledge that he has gained over these years being incarcerated. He truly gives back to the people that are his family. My family would truly be lost without Richard in our lives.

Thank you for your time.

Sincerely,

Karen Pfurteringer LLPC



Lindsey Vann &lt;lindsey@deathpenaltyresource.org&gt;

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## Stop Execution of Richard Bernard Moore

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Yvette Pinkney &lt;angelluvjoe@gmail.com&gt;

Tue, May 4, 2021 at 8:29 PM

To: lindsey@justice360sc.org

To whom it may concern,

My name is Jonathan M. Pinkney, I am writing this as a concerned friend of Richard Bernard Moore. i don't think he should be executed,one death will not replace another. I believe in all the years I have known Richard Bernard Moore,that he would murder anyone intentionally. I have known him since we were kids which has been over 40 years. I have known him to be a good person and everyone deserves a second chance. If God can forgive us we should all be able to forgive. Thank you.

Concerned friend Jonathan M. Pinkney of Execution of Richard Bernard Moore

To Governor Henry McMaster:

To Whom it may concern:

Richard Moore has been a friend of mine for over 40 yrs. Richard is not the same kid I knew growing up. He is a Man now.

Through talking to Richard over the last 20 or so years he has come the Lord. He has put Jesus Christ as the Head of his life.

Richard has kids and now a grandchild that Love him very much. Richard has family and numerous friends that Love Him, as do I. Richard has a lot of good to offer Society

Sincerely,  
Thomas Roddey



# Amos 8:11 Ministries

## *Ward Off The Famine*

10/29/2020

Governor Henry McMaster,

Governor, I write seeking mercy for Richard Moore, an inmate on death row at Broad River C.I. I met Richard during my first visit to death row on December 4, 2012. I was immediately aware of Richards faith in Jesus. Until September 26, 2017, when death row inmates were moved to Kirkland C.I., I spent many hours with Richard. My time with Richard Moore has been a blessing in my life. He is an astonishing example of what faith in Jesus Christ can do for anyone - let alone a death row inmate.

In five years visiting inmates on death row our conversations always center around Jesus Christ and His saving Grace. Richard understood the consequences of his crime and had placed his future in the hands of God Almighty. At one point, Richard asked if I would bring in communion. After praying with Richard I agreed to bring in the elements the following week. Every few weeks I took the communion elements to Richard. After his transfer to Broad River C.I. I was not allowed to visit death row. Several weeks ago Richard explained that he had one final appeal before possibly facing an execution. As soon as we hung up I knew we were to share communion over the phone the following week. When Richard called, seven day later, I could hear the excitement in his voice regarding sharing virtual communion. For the past few weeks Richard has called Sunday mornings and we have shared communion over the phone. It has been a wonderful spiritual experience for both Richard and I.

Richard is a calming factor on death row and the peace he has found in Jesus is witnessed by his fellow inmates as well as the C.O.s. Richard has no fear of death and knows he will be with the Lord when he leaves this life. If allowed, Richard can be a powerful example of the serenity that can only be found in Jesus Christ. I am blessed to call Richard Moore my friend and I would trust Richard with all I own. I have spent hours contemplating the proper words to pen, and I pray that my request for leniency touches your heart.

Sincerely,



Pastor Rick Russ

*Job 19:25-27*



Honorable Governor Henry McMaster,

My name is Daryl Lewis Talley. I am writing this letter to you in regards to Richard Bernard Moore. Richard is a resident in the South Carolina Department of Corrections. Richard is a death row inmate and a longtime childhood friend of mine.

I realize that that the fate of Richards life lies in your hands so I feel the need to write to you and share with you just a few things that may give you a different glimpse at this young man, as seen through the lens of an old man that has watched a great number of boys and girls grow up in our small town.

Richard comes from a large Brady Bunch type family that lived one street over from the time that I was five years old. Richard was maybe seven or eight years behind me and his oldest siblings. I watched him ride his first bike. I remember things about Richard growing up that maybe a lot of people never really stop to notice. I honestly wish that I could just sit and tell you about this kid springing up beneath me and his older brothers and sisters. I smile just thinking about it but I guess a few words in a letter is all that have. Your Honor, I honestly do not want to see this young man gone from life.

If only you knew how well Richard navigated his childhood in a neighborhood with so many children his age on every street. Our neighborhood was teaming with really close-knit families and a lot of kids. Our parks and yards were always full of little rascals everywhere you looked.

Richards brother Michael and I were the same age and really good friends from kindergarten into adulthood. I spent a good amount of time at their house. I can remember this guy at four- or five-years old riding a big wheel like an Indy Car Driver. He was a good boy. As he hit his pre-teens Richard spent most of his time with his grandpa, Mr. Coney and two of his cousins. He didn't go to parks and stuff much other than playing little league baseball, or hoping on his bike with his basketball headed to the country roads where he and cousins had built themselves a dirt basketball court and he liked playing with his dog, helping Big Momma in her garden and waiting for Mr. Coney and his friends to come back from a hunting or fishing trip.

Mr. Coney was an avid outdoorsman and everyone could see, Richard was following right in his footsteps. This kid could string a fishing rod, tie all fish hook knots and everything by seven years old I bet. Every time he heard those hound dogs sounding off, he came full steam running. He kept the dogs fed and the pens clean and he loved it. He would stay with those hunters in the garage from sun up to sun down if he could. He sat around them for years and learned to hunt, to skin catfish, deer, squirrel all of that before high school. He was a good kid that was not drawn by the lure of the street life. He was a country boy, just like his grandad and his brother Maurice and cousin Ray and Craig. Heck, when other teenagers were begging for Camaro's and Mustangs, Rich got an old Ford pickup and joined the ole guys in their hunting convoys. As Richard and his two cousins got older, they would hangout like the old men did, they learn to cook rabbit stew and squirrel and pheasant on a wood burning stove in the garage and that's what they did as their friends chased girls and got in trouble.

Mr. Coney and Big Momma did a very good job at seeing his interest and helping him enjoy it, in turn, keeping him from those streets. By that time, the little rascals were now big rascals and the neighborhood was changing. We older guys were just as bad if not worse but some of us knew which up and coming boys and girls to chase back home when they tried growing up too fast. We never had to worry about

Richard and his cousins, they stayed free from the madness, they fished and hunted and had a lot of fun in that garage.

I moved from the neighborhood a few times and didn't see much of my friends or family that often. I eventually left for too long and ended up being gone for a long time. I heard tale of Richard moving to the south and getting himself into this trouble. I could never imagine how this could happen to that quite country kid. It had to be the same thing that happen to a lot of us rural small-town people, it happened to me. Drugs hit our country like a tidal wave and swept so many of our kids, mothers, fathers and even grandparents right out to sea. When it hit small towns, it was like a destructive hurricane. At 62 years old, I literally cry at how much madness and sadness I personally went through and more so for the fallout I see effecting families almost two generations separated from when it hit.

I have been talking to Richard every weekend since Thanksgiving weekend. Your Honor, I do not want to see this young man gone from life. I pray with all of my spirit that, the God that loves and saved a wretch like me, will touch your heart with the mercy he has shown me. In prayer after talking to Richard I see and feel in my spirit just as the wicked things changed him and pulled him into darkness as they did me, the Holy God changed him and pulled him out of darkness just as he did me. I bless people everywhere I go. I am like the little old angel Clarence in the movie *It's A Wonderful Life*.

Your Honor, if I can surrender and allow myself to be changed, anyone can and I see it and feel it in Richard when we talk. I was a good kid, but not like Richard was, I turned south early and sped into self-destruction. Richard got snared. Wicked got lucky snaring that one.

I am now a Journey Level Veterans Services Representative with the Department Of Veteran Affairs Business Office. Me Your Honor, a reformed born-again wretch. I process benefits packages and financial compensation awards to bring home our military soldiers that are wounded and broken and can no longer fight in combat. I work diligently every single day to bring them back into civilian life with some type of normalcy and make whole for them as best I can, using every benefit Congress allows me to, and I feel good doing it.

Your Honor, during the personal reconstruction of myself, depression landed me in the hospital for an attempted suicide; Life was too much, or so I was led to believe. My college degree was literally months away. I was clean, working well and my door was about to open when my break though turned to a breakdown. I was now an inpatient in a mental health ward at the VA Hospital. Three days into my treatment a federal officer came to my room and told me that they listen to the recording as the prevention team talked to me for 4 hours while directing me to their hospital in Battle Creek Michigan. He said they had to inventory my car because I told them that I was going to blow my brains out. A county prosecutor prosecuted me for not having a gun permit. I was watching my advancements swirl down the drain. I ended up in the Western District US Federal Court facing a mandatory seven-year minimum sentence. God will not be denied.

I went before Honorable Robert J. Yonker, now the Chief Judge of that US District Court. I went with my portfolio of achievements, my financials, personal and professional witness statements and I was ready to prove my place in this world has a foundation. The attorneys did battle and the judge set a sentence date. At sentencing his dissent was amazing and unprecedented. Through all of my prior history, all of the evidence from both teams, the judge saw me as an individual worth clawing my way to a purpose in this world, an individual worth saving.

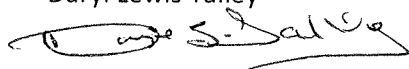
He saw my never yielding struggle to hold a place of decency in this world regardless of the mud that once covered me. He abandoned the mandatory minimum sentence and gave a lengthy dissent as to why guidelines and past history are not always properly fitting for all instances. He explained the three legs of the judicial rehabilitation model. He said that he clearly sees that I had worked hard satisfied those and that after all that I had overcome, for him to pull just one leg off of that three-legged stool, would destroy not only everything that that I had achieved, but it would also destroy my chances of ever reaching that point again. He said that I was 45 years old and showed well documented self-rehabilitation and that I was statistically a poor candidate for recidivism. There was never a threat to anyone other than myself and he could not in good conscious follow the guidelines. He directly addressed the higher court in his 35-minute dissent of why he abandoned the guidelines.

I was in awe at how wise and brave this Judge was. I was really amazed at how he described me. I never thought that anyone had seen anything but a wretch but he seen through all of that and saw me, and put in in a Federal Court Sentencing dissent. He is an honorable and brave man that I will love all the days of my life. He is the biggest reason why I pay blessings forward every day of my life. I wholeheartedly thanked and I promised him, my attorney that I will never stop being grateful nor stop making myself a blessing to this world. Hi said, just promise me that you won't try to kill yourself again, you have a reason for living. Even the prosecutor whom was adamant about an immediate expedited appeal had a change of heart and told the court he would not pursue an appeal. Your Honor, I keep my promises to them each and every day of my life. This was fifteen years ago and from time to time, I still check in with my pre-sentence investigator to give reports and get reports on My Judge and My Savior. They can rest assured that I am touching and changing lives at work and outside of work. I will continue to share and show love until God calls me home.

In closing Your Honor, I see in Richard the desire to change the narrative and to share that wonderful spirit that lives in him. He too has been pulled out of the darkness for a reason. He yearns to be a weight of balance for goodness. I am doing very well Your Honor. I can be such a help to Richard just as Mr. Coney and Big Momma were. I pray that you find it your heart to spare this kids life, he can make a change in this world and I will be right by his side helping. I promise you as I promised my judge fifteen ago, I will never stop helping this kid, help this world, I promise! Your Honor I will report to you until you get tired of me because wicked got lucky with this kid and you have the power to break that lucky streak. We need all the Clarences we can get in this world.

Respectfully and Sincerely,

Daryl Lewis Talley

A handwritten signature in black ink, appearing to read "Daryl Lewis Talley", written over a horizontal line.

November 10, 2020

Dear Governor McMaster,

My name is Ravi Walsh and I write today to ask for your clemency in the case of death row inmate, Richard Moore. Because I know that you are his last chance, I would like to communicate to you why I am requesting this clemency.

I met Richard through my partner, Janis Whitlock. You have received a letter from her too. Like her, I did not expect to come to care about Richard as I have. I am a Counselor and Life Coach who specializes in helping people to come into deeper understandings of their inner life; what many of us call *Spiritual* life. I have been practicing for over 35 years. I began writing and then speaking with Richard over the last two years. Though our outer lives feel worlds apart, our inner connection was quickly recognized. Richard is a deeply caring and connecting individual. His willingness to recognize and change his attitudes, beliefs and behaviors far exceeds many people I know who have meditated, contemplated and strove to change themselves for decades.

Of course, Richard's life choices have placed him in an environment that some may say will make or break a man. I am sure you have heard many stories of how prison has broken a man, I know I have. But that isn't what I see happening for Richard. Six months ago, I received a letter from Richard. As usual he began by asking how I was doing and thanking me for sharing this time with him. Then he shared an amazing story. He was experiencing verbal harassment from another inmate on a daily basis. This harassment was causing him to feel great distress and anger, but he didn't want to retaliate with his own verbal jabs. Instead he asked me, "Ravi, how can I see God in this man?"

Governor, I don't know about you, but I am still inclined to mentally curse someone out if they cut me off in traffic. Here is a man who is on death row asking me "How can I see God in this man?" That story exemplifies the *present* character of Richard Moore. After hours of conversations, I can see how prison has changed Richard. He has learned to find and live through the remorse he feels for his own actions; actions he committed over twenty years ago.

I have often wondered why Richard would rather spend his life in a prison cell than end this hell he must encounter every day. When I asked him, he told me that he finds that he now has something to offer this world. He didn't have that awareness until he went to prison. He has learned to listen to others and authentically connect with them. He has learned the power of patience, active listening and compassion and shares these openly with anyone he can. His children and friends are benefitting from his wisdom

and care; they too know what he went through to acquire such priceless gems. If he lives, I plan to offer him more experiences to share his wisdom, hope and care.

In conclusion Governor, I ask you to consider the state of the country we are now living in. In just one year, we have seen so many changes in our economy, communities and government. It seems like the whole country is upside down with change. The more time I spend with Richard, the more I see how important it is for us to learn from him. He has lived a life that few of us can even imagine. While many men, especially black men, in prison are filled with hate and denial, Richard is a man who has grown and changed in prison. He desires to serve this world from the space of those changes. Given how much hostility and hatred we are dealing with between our races, I can only think that the world will benefit from having one more man who has learned to grow and change serve those who are still struggling with it. Even if he serves through his intent alone, Richard is changing the lives of many people. Imagine that spreading.

Thank you for your time and attention,

Ravi Walsh



November 6, 2020

Dear Governor McMaster,

My name is Janis Whitlock and I write today to ask for your compassion and clemency in the case of death row inmate, Richard Moore. Sitting down to write this letter has been challenging because it brings me face to face with the fact that Richard, a man I have come to know and care about deeply, is on the brink of losing his life. This deeply unsettling fact is one I and my family have fervently prayed would not come to pass, so it is with a heavy heart and burdened soul that I write you today.

I did not expect to come to know and care about Richard as I have. I am a psychologist and academic who focuses on human development with a particular focus on how contexts of development shape human functioning and wellbeing. In 2016 I was asked by Richard Moore’s counsel to review materials related to Mr. Moore’s social history, as well as the offense which resulted in his convictions and death sentence, in order to determine what, if any role his social environment played in his life course and, more specifically, involvement in the September 16, 1999 homicide in Spartanburg County, South Carolina. As part of my review, I travelled to Lieber Correctional Institution in Ridgeville, SC on January 5, 2016 to meet with Richard so I could affirm my initial impressions and clarify areas in which I had questions. I met with Richard for approximately two hours that day and, in the course of that time, formed a connection with him that has endured to this day.

Richard and I are age mates – born one year apart. As a developmental psychologist I could not help but notice this when reviewing his materials. But, while I was born a white female in California in 1966, Richard was born a Black male one year earlier in a suburb of Detroit, Michigan. I was not born into particular privilege, but I was also not a victim, as Richard was, of the limited opportunities he encountered in Mount Clemens, MI.





And, while I was encouraged to do well in school and go on to college, Richard was only one of eight children in his family who graduated from high school at all. And, while I was encouraged to do well in school and go on to college, Richard was only one of eight children in his family who graduated from high school at all. I share this not to repeat the conclusions I articulate in my declaration submitted in case and which I hope you will consider in your deliberations, but to elucidate the “but for the grace of God” realization I had upon reviewing his case and meeting with him. This was not a passing contemplation for me; the profundity of that realization has steadily deepened over the past four years as our nation has come face to face with social, economic, and psychological consequences of hundreds of years of human limitation and inequity. Thus, Richard is not only someone I have come to care about deeply, but is also a very personal living example of the profound way our collective history plays out in very real and personal ways with seriously adverse consequences to individuals and communities.

The ironic thing about Richard’s case to me, as I also articulate in my declaration, is that in addition to the risk conferred on him by the mere fact of the particulars of his birth, his history suggested that he pursued and valued connection to others – a trait that would have served him well if he had not had such limited opportunities for healthy and positive human connection. Instead, his proclivity for connection and caring for others meant that he was powerfully influenced by a desire to maintain connection to people in his life, many who were actively struggling with limited economic and social opportunities. The qualities are also why I recognized in Richard not just an inmate with a criminal past, but a man whose life could have been so much different had any one of the factors of his life been different. The recognition of his clear humanity and the loss to us all of the contributions he could have made, could still make, birthed compassion in me and, along with it, a desire to remain connected to him in some small way. I started by sending books from time to time, since he loved to read and was an avid student history and contemporary issues. This led to exchanging birthday cards, letters and art supplies once he began to explore his artistic talents. When inmates at his facility were given tablets and invited to enter the 21<sup>st</sup> century more fully, we rounded added e-mails and regular calls as well.

At this point, Richard speaks with both me and my husband, who has also come to know and care about him, every week by email and phone. We talk about each other’s children, life ups and downs, and the state of the world. We send books and Richard sends us cards and art -- we are the proud owners of several of his early works in colored pencil and, as he progressed, water color and paint. He’s pretty good! Not a single conversation goes by in which my husband or I do not come away uplifted and amazed by his deep reservoir of insight, kindness and downright goodness. Indeed, I





honestly cannot say I know anyone in my life who exhibits such a powerful commitment to connection, growth and a desire to right the wrongs of his life by giving back to others as I routinely witness in Richard. While nothing Richard could ever do will bring back the life he took, I think it fair to assert that his commitment to showing up fully as a father, grandfather and friend and to living in true alignment with the Christian values he holds has contributed an untold amount of love and light to lives of those he touches - his family, friends (including us), and fellow inmates.

Richard's death will leave a hole in my life -- one I am loathe to even contemplate. He has touched me deeply and I am sure that I will carry his love alongside the deep regret I carry for the fate of this deeply humane person for the rest of my natural days on this earth. It pains me beyond measure that his sensitivity, insight, and inspirational messages, delivered even when I know he has received disappointing news about the state of his case, will be taken along with his life. The world will be a darker place without him in it. It is especially hard to know that so much of what he has yet to give -- to me, to my family, to his fellow inmates, to the many young Black men he could have reached and possibly deterred from a similar fate will never be realized. It is a tragic loss of not just one, but two, lives full of connection and potential.

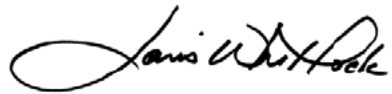
But, even more than what Richard has been in my life and could have been in other's lives is the loss his death will be for his children and grandchildren. There is not a single conversation we have had in which he has not updated us, with nothing but total pride and love, about the welfare of his children and now grandchild. He positively bursts at the seams when he speaks about them. I know beyond a shadow of a doubt that he has had to do an extraordinary amount of self-forgiveness work to be able to simply show up for his kids given the pain he knows he has caused them and the deprivation all of them have suffered as a consequence of his actions. I am devastated for them -- when they lost him the first time and for when they will lose him again. While his love and support cannot rectify the loss of the life he took or of the father his children could have had if he had not taken the life he took over two decades ago, I am convinced that he has done every single thing in his power he could do to make amends for the damage he has cause.

In closing, I sincerely hope that you will commute Richard Moore's sentence and allow him to continue enriching himself and those of us who care about him. Richard cannot repair the damage he caused to his victim and his victim's family, but he can, and has, done everything he can to enrich the lives of those connected to him. Allowing him to live will only increase the amount of goodness there is in the world and will mean that



those of us who love him do not also suffer the loss of a loving and kind soul. If there is anything else that I might share in service to your deliberations on Richard's case, please do not hesitate to let me know.

Respectfully yours,

A handwritten signature in black ink that reads "Janis Whitlock". The signature is written in a cursive style with a large, looping initial "J".

Janis Whitlock, PhD, MPH



Rev. Dr. Carl Willis

[REDACTED]

The Honorable Henry McMaster  
State House  
1100 Gervais Street  
Columbia, South Carolina 29201

Governor McMaster –

I have known Richard Moore for more than two years. We struck up an instant bond as if we had known each other for decades. I had reached out to Richard when he received his execution date in 2022. I contacted him as I am a minister who has friends on multiple death rows across the US. I wanted to let him know that I was praying for him. I was concerned that he may not have had a minister so I wanted him to know that I would be there for him.

Over the months, I found that Richard is a man of deep faith. Whenever he would call, we would normally share a word of prayer before ending our calls. He talked in great detail about how he was depending upon his faith for his friend to be healed, his family to be safe, and for the well-being of his friends on the row. I also learned that he was a family man. He would always share with great enthusiasm the calls he would have with his daughter and grandchild. Family means everything to him.

Richard is a warm, compassionate, funny, upbeat, and intelligent man. He is always looking out for the others on the row making sure they have what they need. He keeps up with his friends via e-mail and the phone. He is always worrying more about his friends than his own self.

Richard is remorseful for what he has done. The way he takes care of others is his way of paying back to the universe somewhat of what he took. Please grant Richard clemency.

With appreciation,



Rev. Dr. Carl Willis

STATE OF GEORGIA )  
 )  
COUNTY OF COBB ) DECLARATION

Ralph Robert Tressel who appeared personally before me, affirms and states the following:

- 1. I, Ralph Robert Tressel, am the Chief Criminal Investigator for the Cobb County District Attorney’s Office and a private forensic investigator. I have extensive training and experience in reviewing forensic evidence, including reconstructing crime scenes based on physical evidence left behind.

Prior to my current employment, I was a police officer, a detective, the operations manager for the Cobb County Medical Examiner’s Office, and a Senior Forensic Investigator. I have also served as an instructor at the North Central Georgia Law Enforcement Academy, teaching death investigation, homicide investigation, crime scene processing, inmate and jail deaths, and drug deaths. During my employment with Cobb County I received additional training in the field of death investigation including, but not limited to, crime scene processing, crime scene analysis, blood spatter interpretations, death investigations, and interpreting injuries and their causes. This training was from some of the most respected trainers in the country. I have received training at the University of Georgia, the University of Miami in association with the Dade County medical Examiner’s Office, the University of St. Louis School of Medicine in association with the St. Louis Medical Examiner’s Office, the National Law Enforcement Institute in Santa Rosa California, and through the FBI Training Center in Quantico Virginia. During my career, I have been involved in over 6,000 death investigations and have personally been involved in over 600 homicide investigations. I have testified in ten states (Georgia, Florida, Alabama, North Carolina, Missouri, Kansas, Texas, Connecticut, Pennsylvania and South Carolina) and in Federal Court as an expert witness in death investigations, crime scene analysis and blood spatter interpretations.

My current CV is attached as Exhibit 1.

- 2. I was asked by Richard Moore’s attorneys to review the crime scene evidence from a homicide that occurred at Nikki’s Speedy Mart on September 16, 1999 and whether, in my opinion, that evidence shed any light as to how the shooting likely occurred. I was also asked to review the testimony of Richard Moore and Terry Hadden regarding the September 16, 1999 shooting death of James Mahoney and to offer an opinion on whether the physical evidence at the scene supported or refuted either witnesses’ testimony.
- 3. In order to offer my opinions, I reviewed the following materials:
  - a. Forensic Unit Case Report, by Forensic Investigator Paul Dorman
  - b. Forensic Unit Field Notes, by Forensic Investigator Paul Dorman
  - c. Crime Scene Photos
  - d. Investigation Report dated 9/16/1999, by Investigator Steve Denton

- e. Incident Report dated 9/16/1999, by Reporting Officer R.C. Miller
  - f. Ballistics Examination Report, by Examiner Kenneth Whitler
  - g. Autopsy Photos
  - h. Autopsy Report, by Pathologist Dr. J.D. Wren
  - i. Richard Moore Spartanburg Regional Healthcare System Emergency Department Report, dated 9/16/1999
  - j. Terry Hadden Trial Testimony
  - k. Richard Moore Post-conviction Relief Hearing Testimony
  - l. Kenneth Whitler Trial Testimony
  - m. Paul Dorman Post-conviction Relief Hearing Testimony
4. To assist in describing my conclusions, Exhibit 2 is a diagram of the crime scene at Nikki's created by forensic investigator Paul Dorman as part of his investigation of the September 16, 1999 shooting. The diagram includes the location of various items identified and recovered during the original investigation. The items most relevant to my conclusions have been circled and labeled in red.
5. Based on my review of the materials listed above, I have come to the following conclusions:
- a. Two weapons were fired during the September 16, 1999 incident at Nikki's: (1) a .45 caliber semiautomatic pistol, and (2) a .44 Charter Arms Bulldog revolver. The .45 pistol ejects a shell casing when firing a bullet. The .44 revolver does not eject a shell casing when firing. The law enforcement investigation and trial testimony indicate that both weapons were originally in the possession of the store clerk, James Mahoney, who was killed during the shooting that occurred.
  - b. A bullet from the .45 caliber semiautomatic pistol was fired from the employee side of the counter toward the video poker machines.<sup>1</sup> Item #30 on the scene diagram in Exhibit 2 is a fired .45 caliber shell casing. Semiautomatic weapons generally eject spent shell casings upward, to the right and rearward. The shell casing's location behind the employee side of the counter and near the food preparation counter along with the bullet trajectory of item # 9, a bullet strike to a video poker machine; item #15, a bullet hole through the front window of the store; and item #31, a fragment of a bullet jacket from the .45, indicates that it was fired from the employee side of the counter. The .45 semiautomatic pistol involved in this incident has an ejection pattern consistent with shell casing #30 being fired from the .45 from behind the counter and toward the video poker machines.
  - c. The shot fired by the .45 from the employee side of the counter was likely the first shot fired because the store clerk initially had possession of the .45

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<sup>1</sup> The video poker machines are located across from the sales counter, on the same side of the building as the customer entrance to the store.

and Moore subsequently obtained possession of that weapon while on the customer side of the counter.

- d. The location of shell casing #30 is consistent with Moore's testimony that the first shot was fired by the .45 while the store clerk still had possession of the weapon and Moore was attempting to block it or get it away from the clerk. The location of shell casing #30 is inconsistent with Hadden's testimony that Moore fired the first shot from the customer side of the counter toward him and the video poker machines.
- e. Moore testified that after he had gained control of the .45, it was jammed and he had to clear the jam while on the customer side of the counter. Item #1 on the crime scene diagram is a "live" .45 caliber round found on the floor in front of the counter on the customer's side. This supports Moore's testimony.
- f. Item #6 on the crime scene diagram in Exhibit 2 is a .44 caliber bullet core and is likely the bullet that hit Moore in the left shoulder. This bullet was likely fired by #11, which is the .44 caliber revolver recovered during the investigation. The .44 caliber revolver was located on the floor on the employee side of the counter near the victim's head.
- g. Items #3, 4, and 29 are shell casings ejected from the .45 caliber pistol. These casings were likely ejected when shots were fired by Moore standing close to the sales counter and firing over the counter from the customer side toward the employee side. These shots likely correspond to item #12, a bullet fired by the .45, and items #13 and 14, which are defects in the back wall over the sink caused by bullet strikes. Items #5 and 7 are also shell casings ejected from the .45 caliber pistol from shots likely fired by Moore from further away from the counter either firing over the counter or through the door (to the right of the sales counter) toward the employee side.
- h. Based on the location of the shell casings and the bullet strikes, I conclude that all shots fired by Moore with the .45 were fired from the customer side of the counter over the counter or through the door between the customer and employee areas. This is consistent with Moore's testimony that he fired the .45 from behind the pillar located between the counter and the door leading to the employee side of the counter. The location of all the .45 shell casings (except #30) on the customer side indicate Moore did not pass through the doorway and fire from employee side of the counter.
- i. Gun powder stippling seen on the victim was estimated to have been fired with the barrel of the .45 12 to 24 inches away. The stippling does not indicate the exact location of the shooter. How the weapon is held when fired can increase this range some 3 to 4 feet further away depending on the arm reach of the shooter. Shooting over the counter with an out stretched

arm would bring the barrel of the .45 closer to the victim, thus creating the stippling.

- j. The victim was shot while standing on the employee side of the counter. He would have fallen immediately to the floor due to his injuries. The forensic evidence does not support a theory that the victim was already on the floor when he was shot. To the contrary, injuries to the victim's head noted in the autopsy report and the position of the victim's right arm are both consistent with falling to the floor after being shot.
- k. Overall, 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 Hadden's testimony that Moore had possession of a gun before the first shot was fired and that Moore fired that shot at Hadden.

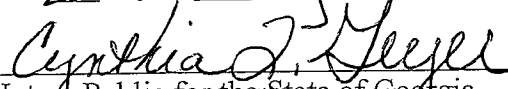
6. If I had been contacted prior to Moore's 2001 trial and provided with the same information I received from Moore's current attorneys, I would have come to the same conclusions and testified to them in court.

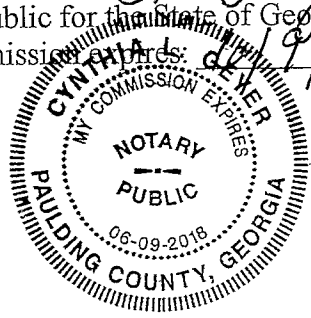
I affirm, under the penalty of perjury, that the foregoing is true and correct.

  
 \_\_\_\_\_  
 RALPH ROBERT TRESSEL

Sworn to and subscribed before me

This 22 day of July, 2017

  
 \_\_\_\_\_  
 Notary Public for the State of Georgia  
 My commission expires: 06/19/2018





**EXHIBIT 1**

CURRICULUM VITAE  
*RALPH ROBERT TRESSEL*

**DATE OF BIRTH:** [REDACTED]

**NATIONALITY:** U.S. CITIZEN

**MARITAL STATUS:** MARRIED

**WIFE:** CYNTHIA L. GEYER

**TWO CHILDREN – AGES 20 AND 18**  
**TWO STEP CHILDREN – AGES 24 AND 21**

**HOME ADDRESS:** [REDACTED]

**PROFESSION:** CHIEF CRIMINAL INVESTIGATOR  
COBB COUNTY DISTRICT ATTORNEY'S OFFICE  
70 HAYNES STREET  
3<sup>RD</sup> FLOOR  
MARIETTA, GA. 30090

**FORENSIC INVESTIGATOR/CONSULTANT FORENSIC EVIDENCE AND INVESTIGATION**

**TITLE:** OWNER – *FORENSIC INVESTIGATIVE SERVICES*

**EDUCATION:**

**GRADUATED:** SPRAYBERRY HIGH SCHOOL 1971

**KENNESAW JR. COLLEGE – 1971-1972**

**SPECIALIZED TRAINING:**

**BASIC RECRUIT TRAINING**  
**COBB REGIONAL POLICE ACADEMY**  
**1973 80 HOURS**

**BASIC MANDATE TRAINING**  
**GEORGIA POLICE ACADEMY**  
**1973 120 HOURS**

**ROBBERY & BURGLARY SEMINAR**

Page 2  
CV – Robert Tressel

**COBB REGIONAL POLICE ACADEMY  
1974 16 HOURS**

**RAPE INVESTIGATION COURSE  
COBB REGIONAL POLICE ACADEMY  
1975 16 HOURS  
GOVERNOR’S CRIME AWARENESS PROGRAM  
COBB REGIONAL POLICE ACADEMY  
1976 16 HOURS**

**SEX CRIMES WORKSHOP  
GEORGIA STATE UNIVERSITY  
1977 40 HOURS**

**ARSON & BOMB WORKSHOP  
COBB REGIONAL POLICE ACADEMY  
1978 40 HOURS**

**BASIC HOSTAGE NEGOTIATIONS  
F.B.I. – ATLANTA, GEORGIA  
IN ASSOCIATION WITH F.B.I., QUANTICO, VIRGINIA  
1977 40 HOURS**

**ADVANCED CRIMINOLOGY  
GEORGIA POLICE ACADEMY  
IN ASSOCIATION WITH F.B.I., QUANTICO, VIRGINIA  
1978 50 HOURS**

**HOMICIDE INVESTIGATION  
UNIVERSITY OF GEORGIA  
1979 40 HOURS**

**TERRORISM SEMINAR  
UNIVERSITY OF GEORGIA  
1979 40 HOURS**

**POLICE SUPERVISION  
UNIVERSITY OF GEORGIA  
1979 40 HOURS**

**INTERVIEWS AND INTERROGATIONS  
GEORGIA POLICE ACADEMY  
1979 40 HOURS**

**POLICE DISCIPLINE**

Page 3  
CV – Robert Tressel

**COBB COUNTY POLICE DEPARTMENT  
1980 4 HOURS**

**FIREARMS INVESTIGATION TECHNIQUES  
DEPARTMENT OF THE TREASURY  
1981 40 HOURS  
STRESS MANAGEMENT  
COBB COUNTY POLICE DEPARTMENT  
1981 4 HOURS**

**BLOOD STAINS/SPATTER WORKSHOP  
FLORIDA INSTITUTE OF LAW ENFORCEMENT  
ST. PETERSBURG, FLORIDA  
1981 40 HOURS**

**SEX CRIMES  
GEORGIA POLICE ACADEMY  
1981 40 HOURS**

**INTERVIEWS AND INTERROGATIONS  
LEVEL II  
GEORGIA POLICE ACADEMY  
1981 40 HOURS**

**HOSTAGE NEGOTIATIONS  
COBB REGIONAL POLICE ACADEMY  
1982 40 HOURS**

**SEARCH AND SEIZURE  
COBB REGIONAL POLICE ACADEMY  
1982 16 HOURS**

**COMPUTER APPLICATIONS IN LAW ENFORCEMENT  
GEORGIA POLICE ACADEMY  
1984 40 HOURS**

**SEARCH WARRANTS & AFFIDAVITS  
GEORGIA POLICE ACADEMY  
1984 16 HOURS**

**LAW ENFORCEMENT SUPERVISION  
GEORGIA POLICE ACADEMY  
1984 120 HOURS**

**MEDICO-LEGAL DEATH INVESTIGATION**



Page 4  
CV – Robert Tressel

**ST. LOUIS UNIVERSITY SCHOOL OF MEDICINE  
ST. LOUIS, MISSOURI  
1985 40 HOURS**

**ARSON INVESTIGATION SEMINAR  
ATLANTA, GEORGIA  
1986 16 HOURS  
HOMICIDE INVESTIGATION  
NATIONAL LAW ENFORCEMENT INSTITUTE  
ATLANTA, GEORGIA  
1986 16 HOURS**

**POLICE MEDICO-LEGAL INVESTIGATION OF DEATH  
UNIVERSITY OF MIAMI SCHOOL OF MEDICINE  
MIAMI, FLORIDA  
1986 40 HOURS**

**BLOODSTAIN EVIDENCE SEMINAR  
NATIONAL LAW ENFORCEMENT INSTITUTE  
SANTA ROSA, CALIFORNIA  
1988 40 HOURS**

**SATANIC & CULT INFLUENCES IN HOMICIDE  
VALENCIA COMMUNITY COLLEGE  
1989 28 HOURS**

**SECOND NATIONAL CONFERENCE ON CHILD FATALITIES AND  
PHYSICAL ABUSE  
NATIONAL CENTER FOR PROSECUTION OF CHILD ABUSE  
AMERICAN PROSECUTOR'S RESEARCH INSTITUTE  
SAN DIEGO, CALIFORNIA  
1991 32 HOURS**

**FORENSIC SYMPOSIUM 2011  
FORENSIC EXAMINATION & CRIME SCENE PROCESSING  
NORTH GEORGIA COLLEGE & STATE UNIVERSITY  
DAHLONEGA, GEORGIA  
MARCH 2011, 16 HOURS**

**CRIME SCENE RECONSTRUCTION  
PATTERN INJURY INTERPRETATION  
DR. JOSEPH L. BURTON  
MARIETTA, GEORGIA  
1985 - 2010**

Page 5  
CV – Robert Tressel

**EXECUTIVE TRAINING  
GEORGIA CHIEFS OF POLICE  
DULUTH, GEORGIA  
OCTOBER 2011 60 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
ATLANTA, GEORGIA  
JANUARY 2012 14 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
SAVANNAH, GEORGIA 14 HOURS  
JULY 2012**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
ATHENS, GEORGIA  
JANUARY 2013 14 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
SAVANNAH, GA  
JULY 2013 14 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
ATLANTA, GEORGIA  
JANUARY 2014 14 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
SAVANNAH, GEORGIA  
JULY 2014 14 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
ATLANTA, GEORGIA  
JULY 2015 14 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
ATLANTA, GEORGIA  
JANUARY 2016 14 HOURS**

**GEORGIA CHIEFS OF POLICE CONFERENCE  
SAVANNAH, GEORGIA  
JULY 2016 14 HOURS**

**BIOMECHANICS AND OCCUPANT KINEMATICS  
DR. JOSEPH L. BURTON  
MARIETTA, GEORGIA  
1990 – 2010**

Page 6  
CV – Robert Tressel

**PREVIOUS EMPLOYMENT:**

**SENIOR FORENSIC INVESTIGATOR  
BURTON & ASSOCIATES  
ALPHARETTA, GEORGIA  
1999 – 2010**

**OPERATIONS MANAGER  
COBB COUNTY MEDICAL EXAMINER’S OFFICE  
MARIETTA, GEORGIA  
1985 – 1998 (RETIRED)**

**SERGEANT, CRIMES AGAINST PERSONS UNIT  
COBB COUNTY POLICE DEPARTMENT  
MARIETTA, GEORGIA  
1978 – 1985**

**DETECTIVE, CRIMES AGAINST PERSONS UNIT  
COBB COUNTY POLICE DEPARTMENT  
MARIETTA, GEORGIA  
1975 – 1978**

**POLICE OFFICER – PATROL DIVISION  
COBB COUNTY POLICE DEPARTMENT  
MARETTA, GEORGIA  
1973 – 1975**

**ADDITIONAL INFORMATION:**

**MEMBER:**

**FRATERNAL ORDER OF POLICE (inactive)  
POLICE OFFICER’S ASSOCIATION OF GEORGIA (inactive)  
GEORGIA CHIEFS OF POLICE ASSOCIATION  
INTERNATIONAL ASSOCIATION OF CHEIFS OF POLICE  
ATLANTA METROPOL**

**INSTRUCTOR:**

**DEATH INVESTIGATION  
NORTH CENTRAL GEORGIA LAW ENFORCEMENT ACADEMY  
1983 – 1998**

**HOMICIDE INVESTIGATION  
NORTH CENTRAL GEORGIA LAW ENFORCEMENT ACADEMY  
1983 – 1998**

Page 7  
CV – Robert Tressel

**CRIME SCENE PROCESSING  
NORTH CENTRAL GEORGIA LAW ENFORCEMENT ACADEMY  
1990 – 1998**

**INMATE AND JAIL DEATHS  
NORTH CENTRAL GEORGIA LAW ENFORCEMENT ACADEMY  
1990 – 1998**

**DRUG DEATHS  
COBB COUNTY DISTRICT ATTORNEY’S DRUG AWARENESS PROGRAM  
1985 – 1998**

**ADVANCED CRIME SCENE PROCESSING  
NORTH CENTRAL GEORGIA LAW ENFORCEMENT ACADEMY  
1993 – 1998**

**ADVANCED CRIME SCENE PROCESSING  
NORTH WEST GEORGIA LAW ENFORCEMENT ACADEMY  
1995 – 1996**

**CONSULTANT**

- **ABUSED AND BATTERED CHILDREN**
- **BLOOD SPATTER INTERPRETATIONS**
- **CRIME SCENE RECONSTRUCTION**
- **HOMICIDE INVESTIGATIONS**
- **TRAFFIC ACCIDENT RECONSTRUCTION**
- **INJURY PATTERN INTERPRETATIONS**
- **CRIME SCENE EVIDENCE COLLECTION**
- **EVIDENCE COLLECTION/RETENTION**

**APPOINTMENTS:**

**JANUARY 1990  
ELECTED BOARD OF DIRECTORS  
NATIONAL SUDDEN INFANT DEATH SYNDROME  
GEORGIA CHAPTER**

**MAY 1990  
APPOINTED  
COBB COUNTY CHILD ABUSE PROTOCOL COMMITTEE PURSUANT TO  
GEORGIA H.B. 1318**



Page 8  
CV – Robert Tressel

**JULY 1990**  
**RECIPIENT**  
**INSTRUCTOR’S CERTIFICATE TO TEACH DEATH INVESTIGATION TO**  
**LAW ENFORCEMENT OFFICERS OF THE STATE OF GEORGIA (RENEWED**  
**1995)**

**JANUARY 1991**  
**ELECTED**  
**BOARD OF DIRECTOR’S OF SUDDEN INFANT DEATH RESEARCH**  
**FOUNDATION**  
**ASSISTED WITH INCORPORATION OF SAME**

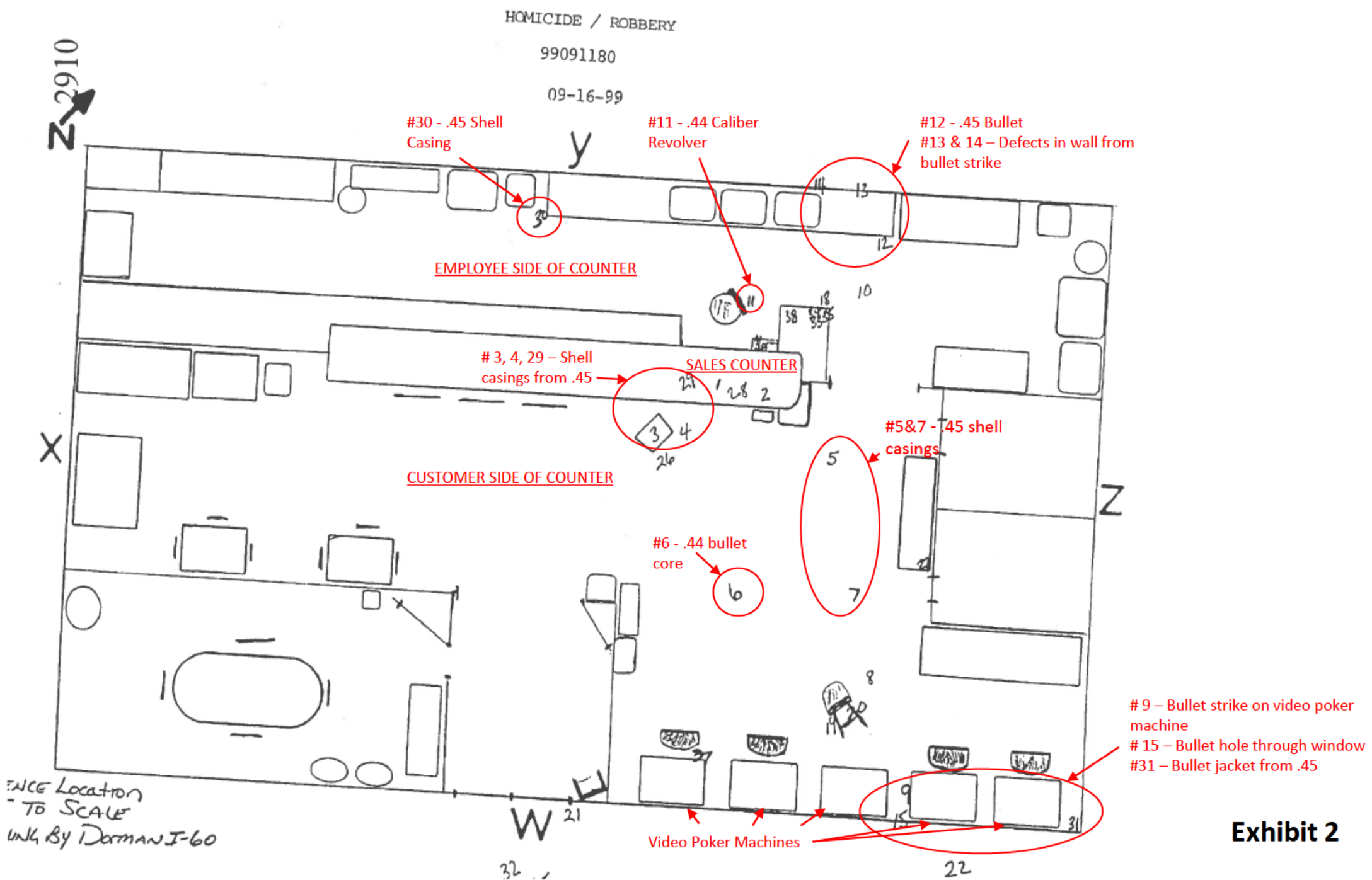


Exhibit 2

### **Declaration of Donald Girndt**

1. I, Donald Girndt, am a private forensic consultant. I previously worked for SLED in various positions in which I analyzed forensic evidence and crime scenes. I retired from SLED in 1994.
2. I was contacted by Richard Moore's current attorney, Lindsey Vann, who asked me about my prior involvement in Richard Moore's murder case in Spartanburg County.
3. I do not remember discussing this case with Moore's attorneys prior to his 2001 trial and do not have any independent recollection of the case or the forensic evidence. I do not have any files or documents related to Moore's case.
4. Upon the request of Moore's current attorney, I reviewed the forensic evidence in Moore's case, including crime scene photos, Ken Whitley's report, the Spartanburg County Forensic Unit Case Report, the autopsy report, and autopsy photos. I also reviewed Moore's testimony describing the shooting and Terry Hadden's testimony and statements to the police.
5. I find the forensic evidence is consistent with Moore's description that a struggle over the .45 pistol took place between him and the victim.
6. The live .45 caliber round found on the counter is consistent with Moore's testimony that the gun jammed during the struggle over the weapon. The .45 pistol has a mechanism that slides back and forth on top of the weapon in order to eject a spent shell casing and load another for bullet firing. If two people were struggling over the weapon and had their hands on it, the mechanism may not have been able to move properly, jamming the gun.
7. Moore's testimony that he and the victim were struggling over the gun could also explain why Hadden testified that he saw Moore with his hand over the victim's. If Moore and the victim both had their hands on the gun, it may have appeared to Hadden that Moore was holding the victim's hands down when he was in fact trying to get the gun away from the victim.
8. If the gun fired while Moore and the victim were struggling over the gun, Hadden may have perceived this as a shot being fired at him because the gun likely fired while still pointed in Hadden's direction after the victim pulled the gun on Moore who was on the same side of the counter as Hadden.
9. Whitley's report shows that the .44 would have been difficult to fire. The gun was rusty and Whitley had to lubricate it to make it fire. Whitley also noted that the gun would not operate in double action mode. This means the gun would have to be cocked between each shot in order to rotate the cylinder to load another bullet. If the gun had operated in double action mode, the victim would have been able to pull the trigger repeatedly and it would have fired with each trigger pull without cocking the weapon between each shot. The condition of the gun made it so it was unlikely the victim would have been able to get off multiple shots, even if he pulled the trigger multiple times.

10. The stippling around the gunshot wound on the victim's body identified in the autopsy report and the autopsy photos indicates the gun firing the shot was likely about 18 inches away from the victim when it was fired. This could mean that the gun was fired by Moore over the counter while he and the victim were reaching for each other or the other's gun or it could mean that Moore was behind the counter when he fired the shot at the clerk. It is not possible to positively determine where Moore was when he fired the fatal shot from the forensic evidence.

I affirm, under the penalty of perjury, that the foregoing is true and correct.

Donald Girndt  
DONALD GIRNDT

Sworn to and subscribed before me  
This 10 day of AUGUST, 2017

Jill B. Abernethy  
Notary Public for the State of South Carolina  
My commission expires: 3-29-26

PRE-FURMAN COMMUTATIONS FOR SIMILAR REASONS						
DEFENDANT'S NAME	YEAR	SENTENCE RECEIVED	OFFENSE	WHERE TRIED	FACTS	REASON FOR COMMUTATION
<b>HOBART GREGORY</b> ALIAS SLING/SLIM GREGORY	1931	life	murder	Greenville	Convicted of stabbing Rufus Davis to death with a bread knife during a fight in a café. He claimed self-defense.	Governor Blackwood commuted his sentence, saying: "This case does not appear to be homicide prompted by premeditation and malicious design and is, in my opinion as the circumstances now appear, not a case that should be punished by death."
<b>DAVE DUNHAM</b>	1931	life	murder	Chester	Killed Dave Sterling in Chester County, details unspecified. Apparently confessed to murdering a black woman and child to death in Baltimore a year earlier; did so while in the 'death house.'	Governor commuted sentence following a mental examination that determined Dunham was "an imbecile with the mentality of a child from two to six years of age." The pardon board and some jurors recommended commutation.
<b>GEORGE JACKSON</b>	1932	life	murder	Aiken	Shot and killed six members of his family, then fled with his small daughter. No motive given for the killings.	Governor Blackwood, on recommendation from the pardon board, commuted Jackson's sentence after he was declared insane or mentally unbalanced. It was claimed at trial that Jackson suffered from the delusion that his relatives were plotting against him.
<b>WILL DOUGLAS</b>	1932	unknown	murder	Spartanburg	Killed Anna Ballenger. The jury deliberated for two hours. Douglas pleaded self-defense.	As solicitor, Blackwood had recommended to Governor Richards to commute Douglas' death sentence. Upon taking office, this was Governor Blackwood's first clemency decision. No other reason for commutation given.
<b>ROY LAWSON</b>	1934	life	murder	Spartanburg	Murdered Clarence Crow along with J.H. McIntire and Vick Rook (and a fourth individual, Minnie Miller, who received life imprisonment). The group murdered Clarence after drinking heavily and coming to Clarence's house late at night to purchase more alcohol.	Two apparent reasons were stated in newspapers. The first is that McIntire had not actually participated in the crime, and Governor Blackwood expressed a sense of injustice punishing him with death as a result; he further explained that not commuting the other two sentences would amount to 'discrimination.' The other explanation given was that the men had not arrived intending to kill Clarence, had been drinking for several hours beforehand and did not intend to injure anyone.
<b>J.H. MCINTIRE</b>	1934	life	murder	Spartanburg	<i>See Roy Lawson</i>	<i>See Roy Lawson</i>
<b>VICK ROOK</b>	1934	life	murder	Spartanburg	<i>See Roy Lawson</i>	<i>See Roy Lawson</i>
<b>WILLIAM ADAMS</b>	1936	life	murder	Abbeville	Killed George Miller and two others (and injured three more) on Christmas.	Governor Johnson visited Adams in his cell and immediately ordered a state hospital mental evaluation. They determined he had the intelligence of an eight-year-old child, and thereupon he issued the commutation.
<b>JAMES</b>	1938	life	murder	Bamberg	Murdered brothers, Samuel and Jimmie	Governor Olin Johnson commuted his



PRE-FURMAN COMMUTATIONS FOR SIMILAR REASONS						
DEFENDANT'S NAME	YEAR	SENTENCE RECEIVED	OFFENSE	WHERE TRIED	FACTS	REASON FOR COMMUTATION
KEARSE					(also called Simmie and Sammie) Patrick.	sentence on recommendation from the pardon board after state hospital authorities declared him "not insane but mentally defective."
ERNEST EDWARDS	1940	life	murder	Orangeburg	Convicted for the murder of Maggie McDaniels near Bowman (actually arrested in New York City).	Governor Maybank's first commutation. He made several comments in relation to his commutation: "before the [state] supreme court, it upheld Edwards' conviction in the circuit court by only a 3-to-2 vote"; "because of the strong sentiment of Judge. L.D. Lide, an eminent jurist, who in a dissenting opinion held that Edwards should have had another trial. He (Edwards) was convicted largely on circumstantial evidence"; Edwards should not be pardoned "but I do not think he should be electrocute[d]."
JAMES DUNMORE	1943	life	assault with intent to ravish	Georgetown	Arrested for rape, had received two reprieves beforehand.	Governor commuted basically because of "overlooked evidentiary inconsistencies which view is now shared by the foreman and four other members of the jury. The prosecuting witness testified that her assailant was under the influence of liquor, [but when Dunmore was arrested 15-20 minutes later] there was no testimony [he] was intoxicated." Dunmore did not seek an appeal for new trial.
MATTHEW JUDGE	1947	life	assault with intent to ravish	Berkley	Convicted of assault with intent to kill of a woman.	Governor Williams commuted the sentence because the prosecutor on the case had recommended commutation because he had been classed as mentally ill by a state hospital.
CHARLIE WILSON	1954	life	murder	Bishopville	Stabbed and murdered a 15-year-old boy during an attempted robbery. He was guarding a Bishopville fish market at the time.	Governor Byrnes said that he decided to commute the sentence to life imprisonment because of the youth of the boys and the lack of premeditation. He also noted that the trial judge was in favor of the commutation for the same reasons (though when the defendants were surprised after entering the building, they became panicky and inflicted the mortal wound).
VERNON NED SANDERS	1955	life	murder	Fairfield	Killed an 84-year-old farmer.	Governor Timmerman commuted Sander's sentence, noting his background. Timmerman noted that Sanders' father died very young, and his mother died when he was 14. He was put in a reform school for two years but otherwise lived with "apathetic kinspeople" and "had little chance to develop as a normal

PRE-FURMAN COMMUTATIONS FOR SIMILAR REASONS						
DEFENDANT'S NAME	YEAR	SENTENCE RECEIVED	OFFENSE	WHERE TRIED	FACTS	REASON FOR COMMUTATION
						boy." Governor Timmerman also noted that there was no evidence he tried to harm the victim beyond striking a blow at him and planning to rob him.
<b>JAMES LITTLE</b>	1955	life	murder	Charleston	Found guilty, with four others, of killing a furniture salesman. He was beaten, robbed and thrown into a creek where he drowned.	Governor Timmerman commuted Short, Brock, and Little's sentences. He said that there was "doubt as to the sufficiency of the proof of guilt." His doubt came from a divided opinion of the State Supreme Court on whether to grant them a new trial, mainly because the evidence against Short and Brock consisted of the testimony of one witness (though they were unanimous that Little should not get one, primarily based on his confession to law enforcement). The governor said though that it was not clear that Little was any guiltier than the other 4 who had participated. The other two who had participated were teenagers -- one got life, and the other, Failey, got death, but had his sentence commuted by a previous governor.
<b>CHARLES EDWARD BROOKS</b>	1961	life	rape	Greenville	Convicted of raping an 18-year-old housewife at gun point.	Gov. Hollings commuted the sentence to life on grounds that Brook's court appointed African American lawyer may have "taunted" the jury into withholding a mercy recommendation (newspaper article says he badgered witnesses, seemingly to try to attack the victim's character).
<b>DAVID WHITE</b>	1972	life	rape	Williamsburg	Sexually assaulted to women intending to put on a puppet show in an elementary school while they were in their hotel. He held a knife to one of their throats, then locked each in the closet while assaulting the other. White turned himself in and denied raping the two women. He later escaped from the Boykin Prison Farm near Columbia.	Reason for commutation unclear. It is of note, however, that his first conviction was overturned due to error in the charge to the jury; his second conviction was also overturned, due to the prosecution's inflammatory and prejudicial statements, including calling White "a brute," and insisting the jurors consider the same circumstances as applied to their own family members.