The Supreme Court of South Carolina

The State, Respondent,

v.

Brad Keith Sigmon, Petitioner.

Appellate Case No. 2002-024388

ORDER

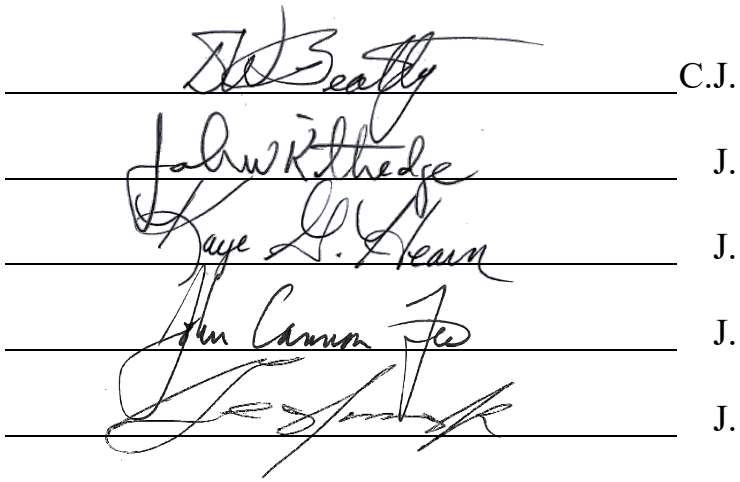
Petitioner seeks a stay of execution. The State has filed a return, and petitioner has filed a reply. Further, in response to an inquiry from this Court, the State has filed an addendum to its return

Petitioner has failed to provide any grounds to justify the granting of a stay under *In Re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (2020). Therefore, the request for a stay of execution is denied.

While we do not find it to be a ground for staying the execution, petitioner has shown that the execution is currently impossible. This is based on the fact petitioner has not made an election to be electrocuted, and therefore, his execution must be by lethal injection under S.C. Code Ann. § 24-3-530 (A) (2007). Further, in its addendum to the return, the State candidly admits the Department of Corrections "will not be able to obtain the required drugs prior to" the scheduled date of execution.

Under these circumstances, we vacate the execution notice, and direct the Clerk of this Court not to issue another execution notice in this case until the State notifies this Court that the Department of Corrections has the ability to carry out the execution by lethal injection, that the petitioner has made an election to be

electrocuted, or that there has been some change in the law which will allow the execution to take place.[1]



C.J.

J.

J.

J.

Columbia, South Carolina
February 4, 2021

cc: Donald J. Zelenka, Esquire
Melody Jane Brown, Esquire
Megan Elizabeth Barnes, Esquire
Joshua Snow Kendrick, Esquire
Alan McCrory Wilson, Esquire
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[1] Bills are currently pending before the General Assembly which would amend Section 24-3-530. Senate Bill 200; House Bill 3755.