

Justin T. Bamberg
District 90 - Bamberg, Colleton,
Dorchester & Orangeburg
Counties



Neal A. Collins
District 5 – Pickens & Greenville
Counties

House of Representatives
State of South Carolina

May 12, 2025

The Honorable Henry McMaster
Office of the Governor
1100 Gervais Street
Columbia, South Carolina 29201

Senate President Thomas C. Alexander
213 Gressette Building
Columbia, South Carolina 29201

Speaker G. Murrell Smith, Jr.
506 Blatt Building
Columbia, South Carolina 29201

South Carolina Department of Corrections Acting Director Joel Anderson
PO Box 21787
Columbia, South Carolina 29210

Re: Request for a formal and independent state investigation into the execution by firing squad of Mikal D. Mahdi on April 11, 2025.

Dear Governor McMaster, President Alexander, Speaker Smith, and Acting Director Anderson:

Last Thursday, May 8, 2025, attorneys for Mikal D. Mahdi filed a “Notice of Botched Execution” with the South Carolina Supreme Court presenting credible and troubling evidence that Mikal Mahdi’s execution by firing squad on April 11, 2025, was mishandled.

After reviewing the evidence presented in the Notice of Botched Execution and in light of the concerns the filing raised, we, Representatives Justin T. Bamberg and Neal A. Collins,

formally request an independent and comprehensive state investigation into the events surrounding this execution.

This request is not rooted in sympathy for Mikal Mahdi, nor is it made to undermine the horrible acts for which he was charged and convicted of and the impacts his crimes had on his victims. This independent investigation is to preserve the integrity of South Carolina's justice system and public confidence in our state's administration of executions under the rule of law. The evidence and expert opinions presented raise grave questions that demand full transparency and impartial review.

Our primary concerns are: (a) How did all three executioners largely miss the intended target, Mikal Mahdi's heart? (b) Why did it take up to one minute for Mikal Mahdi to become unconscious and five minutes to die? and (c) Why does Mikal Madhi's autopsy fail to meet forensic standards, particularly when compared to another firing squad execution's autopsy just weeks prior?

How did three executioners all miss the intended target, the heart?

It is our understanding that the S.C. Dept. of Corrections' execution by firing squad protocol requires an x-ray of the chest region to verify the location of the heart before the person is to be executed. A white target with a red bullseye is then placed on the person to be executed. The person to be executed is then hooded and strapped into a chair to eliminate any possibility of movement. The three-person team of executioners then fires from a distance of fifteen feet away from the person to be executed. The ammunition used is .308 caliber Winchester 110-grain TAP Urban rounds, which are designed to break apart upon impact to inflict mortal damage. Somehow, despite the above-referenced protocol designed to prevent it,

the three-person firing squad all missed the target. One executioner appears to have either misfired or completely missed, while the other two executioners missed well below the location of the heart.

Attorneys for Mikal Mahdi requested that Dr. Jonathan L. Arden, a respected forensic pathologist, review the firing squad execution of Mikal Mahdi. His report indicates that only two bullets hit Mikal Mahdi and, for whatever reason, those two bullets missed the intended target as well:

We currently have no evidence to explain why there were two, rather than three, entrance wounds. The autopsy report commented, "It is believed that gunshot wound labeled (A) represents two gunshot wound pathways." No source or basis for this comment was provided in the report (which is further discussed below in the context of my discussion with Dr. Marcus). Having seen and assessed thousands of gunshot wounds during my 40-year career in forensic pathology, it is extraordinarily uncommon for more than one bullet to enter the body through one entrance wound. Moreover, if two bullets did enter through one wound, that would create an atypical entrance wound, which would be larger and more irregular in configuration than a typical entrance wound made by one projectile of the same ammunition striking that part of the body. The single autopsy photograph of Mr. Mahdi that was provided demonstrated two typical entrance gunshot wounds; neither is large or irregular, and both have regular "collars" of abrasion on their borders (which is one of the most definitive features of a typical entrance gunshot wound). Furthermore, the autopsy report described two internal wound trajectories, not three. In total, the number and configurations of the entrance wounds, and the described internal wound paths, are highly consistent with Mr. Mahdi having been struck by two bullets, not three.

Why did it take up to one minute for Mikal Mahdi to go unconscious and five minutes to die?

A firing squad execution is morally and constitutionally required to inflict maximum damage resulting in near-immediate death. However, witnesses testified that Mikal Mahdi moaned in agony for approximately one minute and was not pronounced dead until approximately four minutes later. In this execution, instead of being hit with three rounds directly in his heart, Mikal Mahdi was shot twice just above his abdomen, with neither round directly impacting his heart. Mikal Mahdi remained conscious and in pain for up to one minute while his heart pumped blood into his chest cavity. Witnesses testified that they heard Mikal Mahdi groan both upon being shot and approximately forty-five seconds later. While some have the liberty to say that it does not matter how a person sentenced to death dies, we understand that the constitutional requirements are not subject to the winds of personal bias, feelings, or beliefs with regards to its application.

Why does Mikal Mahdi's autopsy fail to meet forensic standards, particularly when compared to another firing squad execution's autopsy just weeks prior?

The autopsy of Mikal Mahdi is significantly less thorough than the recent autopsy of Brad K. Sigmon conducted by the same examiners and for the same reason. Brad Sigmon was executed by firing squad on March 7, 2025. In Brad Sigmon's execution, the autopsy included numerous photographs, including photographs of his clothing, and x-rays of the gunshot wounds. Brad Sigmon's autopsy revealed three separate gunshot entrance wounds and both ventricles of his heart were "obliterated." By contrast, the autopsy of Mikal Mahdi only

resulted in two photographs (one of his chest and one of a bottle with fragments), no x-rays to document the gunshot wounds, and no photographs of his clothing.

Dr. Arden's report raises concerns as to the thoroughness of Mikal Mahdi's autopsy:

Only one photograph, which depicted the two entrance gunshot wounds from a medium distance, was taken to document this autopsy. No close-up photographs of the fine details of the gunshot wounds, and no internal photographs to document the internal injuries were taken (nor was the condition of the body generally documented photographically). No postmortem radiographs ("X-rays") were taken to document the gunshot wounds. The lack of detailed photographic and radiological documentation of the gunshot wounds does not meet forensic autopsy performance standards and accepted practices, which dictate that the findings of injuries that establish the cause of death must be preserved for independent review or verification. Such rigorous documentation is especially critical for deaths that carry special interest or importance, such as homicides and deaths in custody, both of which pertain to the death of Mr. Mahdi.

Clothing was received with the body of Mr. Mahdi, which was not examined, described, or documented. Standard practice in the forensic postmortem examination of a gunshot victim includes examination of the clothing with correlation of any clothing defects to the cutaneous gunshot wounds. Given the obvious misplacement of the gunshot entrance wounds to Mr. Mahdi, correlation of those wounds with the clothing (and the target, if provided with the clothing) was essential.

These concerns raise critical questions that must be answered:

1. Why was there evidence of only two bullets striking Mikal Mahdi?
2. Did one executioner misfire, miss, or fail to discharge their weapon?
3. Was the target inaccurately placed on Mikal Mahdi's chest?
4. Why did the autopsy fail to meet established forensic standards?
5. Why was the clothing, a key piece of evidence, not analyzed or documented?

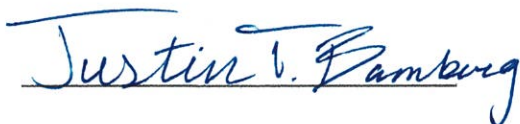
We understand that this was only the second official execution by firing squad (Brad K. Sigmon on March 7, 2025, and Mikal Mahdi on April 11, 2025) in state history and only the fifth and sixth executions by firing squad in the United States since 1960.

Regardless of the crime committed, the state bears a moral and constitutional obligation to ensure that executions are carried out humanely and in strict adherence to protocol. The evidence before us suggests potential violations of the United States Constitution's Eighth Amendment's prohibition against cruel and unusual punishment and the South Carolina Constitution's prohibition against cruel or unusual punishment. Additionally, any allegation that two separately fired bullets, from two separately stationed shooting positions, could result in both bullets traveling on the exact same trajectory both before and after hitting a target through the same exact entrance point, is contrary to the law of physics.

Before any future execution by firing squad proceeds, it is incumbent on the State of South Carolina to establish a clear, transparent, and accountable protocol. We must ensure that all executions are subject to proper oversight, including independent forensic review and legislative access to witness the proceedings – those of us who are responsible for the execution policy of our state need to have access to witness that policy in action.

We respectfully urge your offices to authorize and facilitate a formal and independent investigation into this matter. Depriving a citizen of his life is the most drastic and gravest measure the State can take. It is our responsibility to do it in accordance with the law and our values. The credibility of our justice system and the public confidence in our state's administration of executions depends on it. Equally important, the victims for whom someone was sentenced to death deserve to not have the conclusion of their case plagued with or overshadowed by the imperfections of the criminal justice system.

Sincerely,

A handwritten signature in blue ink that reads "Justin T. Bamberg". The signature is fluid and cursive, with the first name "Justin" and last name "Bamberg" clearly legible.

Representative Justin T. Bamberg

S.C. House District 90

A handwritten signature in blue ink that reads "Neal A. Collins". The signature is fluid and cursive, with the first name "Neal" and last name "Collins" clearly legible.

Representative Neal A. Collins

S.C. House District 5