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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

Certiorari to the Court of Appeals  
Appeal from Lexington County  
Eugene C. Griffith, Circuit Court Judge

Appellate Case No. 2022-001680  
Opinion No. 2022-UP-186 (S.C. Ct. App. filed May 4, 2022)

William Bruce Justice ..... Petitioner,

v.

State of South Carolina, ..... Respondents.

**Motion for Leave to File Brief of *Amicus Curiae* Root and Rebound  
in Support of Petitioner**

Root and Rebound, a national legal advocacy organization working with the families and communities of those harmed by mass incarceration, requests the permission of this Court under Rules 240 and 213, SCACR to file an *amicus curiae* brief in the above captioned matter.<sup>1</sup> The Court of Appeals issued its opinion on May 4, 2022, concluding the case was moot. On May 19, 2022, Petitioner sought rehearing, which the Court of Appeals denied November 3, 2022. Petitioner then timely filed a petition for writ of certiorari with this Court on December 1, 2022. Accordingly, Root and Rebound requests that the organization be permitted to file a brief with this Court before the issuance of the Court’s decision on the petition for writ of certiorari.

<sup>1</sup> Although not required by Court rule, undersigned counsel requested the State’s consent to this motion by phone and by email, but has not received a response.

As provided by Rule 213, Root and Rebound states their interest in this matter derives from the belief and work the organization provides in securing and advancing every individual’s due process rights as guaranteed by the Fourteenth Amendment to the United States Constitution, particularly those impacted by incarceration. Due process in the parole revocation context is particularly significant given the liberty interests at stake for every parolee facing re-confinement. Supreme Court jurisprudence has set forth the due process requirements afforded to parolees in *Morrissey v. Brewer*, 408 U.S. 471 (1972) and *Gagnon v. Scarpelli*, 411 U.S. 778 (1973). These cases hold that the Fourteenth Amended due process confrontation right provides a parolee with a limited right to confront and cross-examine declarants in revocation proceedings. This right is being unconstitutionally denied to individuals like Petitioner under S.C. Code Ann. § 24-21-50, which states that “[n]o inmate has a right of confrontation at the hearing.” An *amicus* brief from Root and Rebound is desirable because it will assist this Court in considering the petition for certiorari given that the issues addressed in the Court of Appeal’s Opinion dated May 4, 2022, concern the historical context and protections provided to parolees and the constitutionality of South Carolina’s statute. This is an area Root and Rebound is often involved in through their legal advocacy, policy reform, and community work.

If leave for filing an *amicus curiae* brief is granted, Root and Rebound will file its brief on with his Court within fifteen days of the filing of this motion—Root and Rebound’s brief will comply with Rule 213 of this Court’s Appellate Rules once filed if leave is granted. A copy of the brief is **Exhibit 1**.

**[Signature on following page.]**

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