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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Hon. J. Mark Hayes, Circuit Court Judge

Appellate Case No. 2023-001094

Cindy Coxie, as Special Administrator for the Estate of Johnny Coxie, Respondent,

v.

Academy, Ltd., d/b/a Academy Sports and Outdoors; and Dustin Lawson. Defendants,

and

Academy, Ltd. d/b/a Academy Sports + Outdoors, Appellant,

v.

Dustin Lawson and Todd Christopher Kohlhepp, Cross-Defendants.

**MOTION OF ATTORNEY GENERAL WILSON
FOR LEAVE TO FILE AMICUS BRIEF**

Pursuant to Rule 213, SCACR, Alan Wilson, Attorney General of South Carolina, moves for leave to file an abbreviated amicus brief in this case supporting Appellant's request for supersedeas relief and review of the underlying discovery order. Important Second Amendment-related rights are at stake. *See State v. Jones*, 416 S.C. 283, 786 S.E.2d 132 (2016).

The discovery order in this case raises an important question of federal law, which implicates the substantial rights of thousands of gun owners in South Carolina. Specifically, at issue, is the Tiahrt Amendment, which indirectly protects the rights of gun owners, manufacturers,

and dealers. *See Williams v. Beemiller, Inc.*, 42 Misc. 3d 438, 441, 975 N.Y.S.2d 647, 649 (Sup. Ct. 2013) (“Tiahrt insulates ATF-generated firearm trace information from disclosure by all parties: the ATF, law enforcement, and civil litigants included.”). In such circumstances, review by this Court or the South Carolina Supreme Court is both appropriate and necessary so that these rights are preserved and protected. *See Hagood v. Sommerville*, 362 S.C. 191, 199, 607 S.E.2d 707, 711 (2005); *see also* S.C. Code Ann. § 14-3-330.

The Attorney General "has broad statutory and common law authority in his capacity as the chief legal officer of the State" *Ex Parte, Charlie Condon*, 354 S.C. 634, 641, 583 S.E.2d 430, 434 (2003); *In re: Littlejohn v. State*, 354 S.C. 634, 583 S.E.2d 430, 434 (2003); *see also Condon v. Hodges*, 349 S.C. 232, 562 S.E. 2d 623 (2002); *State ex rel Daniel v. Broad River Power Co.*, 157 S.C. 1, 562 S. E. 623 (2002). *Condon v. Hodges* cited *Porcher v. Cappelmann*, 187 S.C. 491, 198 S.E. 8 (1938) for the proposition that the “Attorney General represents sovereign power and general public.” 562 S.E.2d at 627. The Attorney General has a duty to protect the rights of South Carolina citizens.

Therefore, the Attorney General has a strong interest in addressing the rights of gun owners in this State. For the foregoing reasons, the Attorney General respectfully requests that this Court grant him leave to file an abbreviated amicus brief. Because the brief should be no longer than a few pages in length, the Attorney General respectfully requests that he be relieved of complying with the requirements of Rule 208(b) other than including an Argument containing an introduction (Rule 208(E)) and a conclusion (Rule 208 (F)).

In the interim, this Court should grant Appellant’s supersedeas request and consider requesting that the Supreme Court certify this matter for its review.

Respectfully submitted,

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Attorney General

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and

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v.

Dustin Lawson and Todd Christopher Kohlhepp, Cross-Defendants.

CERTIFICATE OF SERVICE

I certify that I served the Motion for Leave to File Amicus Brief on the other parties by the methods set forth below this July 11, 2023. A copy of the email is attached.

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Cc: Bob Cook; Joseph Spate
Subject: Coxie v. Academy - Motion for Leave to File Amicus Brief
Attachments: Motion for Leave to File Amicus brief (03329953xD2C78).PDF

Attached is our motion. I will efile shortly.

Thank you.

Emory Smith

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