

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable Mark Hayes, Circuit Court Judge

Appellate Case No. 2023-001934

STEPHANIE IRENE GREENE.....Petitioner,

v.

STATE OF SOUTH CAROLINA.....Respondent.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, collective of physicians, public health experts, breastfeeding experts, and legal non-profits respectfully submit this Motion for Leave to File a Brief of *Amici Curiae* for Petitioner Stephanie Irene Greene.

STATEMENT OF INTEREST OF *AMICI CURIAE*

Amici are a collective of physicians, public health experts, breastfeeding experts, and legal non-profits. *Amici* collectively join this brief in support of Stephanie Greene (“Petitioner” or “Ms. Greene”) because her unconstitutional conviction is unsupported by facts, science, or law, and exacerbates the factors that drive pregnant and breastfeeding patients away from receiving necessary medical care and advice. Ms. Greene’s prosecution and others like it ultimately harm,

rather than help, parents and their babies. An *amicus* brief from this coalition is desirable because it will assist this Court in considering the weighty issues presented in Ms. Greene’s petition, and the ways in which the Court’s decision might impact maternal healthcare in South Carolina.

The American College of Obstetricians and Gynecologists (ACOG)

Representing more than 90% of board-certified OB/GYNs in the United States, the American College of Obstetricians and Gynecologists (“ACOG”) is the nation’s premier professional membership organization for obstetrician-gynecologists dedicated to access to evidence-based, high-quality, safe, and equitable obstetric and gynecologic care. ACOG maintains the highest standards of clinical practice and continuing education of its members, promotes patient education, and increases awareness among its members and the public of the changing issues facing women’s health care. ACOG is committed to ensuring access for all people to the full spectrum of evidence-based quality reproductive health care and is a leader in the effort to confront the maternal mortality crisis in the United States.

Time Served

Time Served is a non-profit legal organization located in South Carolina. Founded in 2023, Time Served’s mission is to improve the lives of currently and formerly incarcerated people in the state. Time Served provides direct services to clients both currently and formerly incarcerated, as well as litigation and advocacy services. Through its services and support, Time Served works to dismantle extreme sentencing in South Carolina, with a particular focus on vulnerable populations whose involvement in the criminal legal system is rooted in a history of injustice or trauma. In the course of its services, Time Served represents mothers whose legal problems arise at least in part out of challenges with addiction before, during, and after pregnancy, and as an organization has an interest in ensuring that women are able to seek treatment and be open with providers without

fear of ever-expanding criminal repercussions. Additionally, Time Served has an interest in the fair application of post-conviction review standards, such that individuals may receive relief if scientific developments undermine the integrity of their original convictions.

Pregnancy Justice

Pregnancy Justice, founded in 2001 as National Advocates for Pregnant Women, is a national non-profit organization dedicated to protecting the rights of pregnant women, focused on criminal defense, strategic legal advocacy, and research and advocacy for people charged with crimes in connection with their pregnancies who are most at risk of state control and criminalization. As part of its mission to defend the civil and human rights of pregnant women, Pregnancy Justice recognizes the interconnectedness of pregnancy and breastfeeding. Pregnancy Justice is committed to protecting maternal and infant health and promoting solutions that lead to the best outcomes for directly impacted mothers and families.

Accordingly, *amici* have a shared and vested interest in the intersection between scientific developments and legal post-conviction standards as they pertain to mothers, particularly in the context of breastfeeding. *Amici* share an interest in ensuring that mothers in South Carolina do not fear criminal legal repercussions for ordinary healthcare decisions, and that a conviction such as that of Ms. Greene is not upheld despite lack of scientific basis.

WHEREFORE, *amici* respectfully move this Court for leave to file their *amici* brief on these issues.

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