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May 07 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable W. Greg Seigler, Family Court Judge  
Honorable Debra R. McCaslin, Circuit Court Judge

Appellate Case No. 2023-001588

THE STATE.....*Respondent,*

v.

NAZARETH N. SANCHEZ-PERALTA.....*Appellant.*

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF**

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, Justice 360 and the Cornell Juvenile Justice Project respectfully submit this Motion for Leave to File a Brief of *Amici Curiae* for Appellant Nazareth N. Sanchez-Peralta.

*Amici* are advocates and academics who work on behalf of juveniles in South Carolina. Justice 360 is a nonprofit organization based in Columbia, South Carolina, whose mission is to promote fair and just process for individuals facing extreme sentences. As part of that mission, Justice 360 represents juvenile clients statewide in criminal proceedings and has been involved in litigation and criminal justice reform efforts on behalf of juvenile clients since the United States Supreme Court’s decision in *Miller v. Alabama*, 567 U.S. 460 (2012). Additionally, Justice 360

gathers data, develops trainings, and serves as resource counsel to court-appointed attorneys in cases where juveniles are at risk of being or have been sentenced to life sentences or a functional equivalent.

The Cornell Juvenile Justice Project is a program housed at Cornell Law School in Ithaca, New York. Over the last twenty years, the Juvenile Justice Project has been actively involved in academic research, legislative reform efforts, and individual case representation in South Carolina and other jurisdictions.

Justice 360 and the Juvenile Justice Project work on individual cases of juveniles facing waiver on serious charges, as well as juvenile clients facing life without parole and sentences that are the functional equivalent of life without parole. Accordingly, *amici* have a vested interest in promoting a legal system in South Carolina that incorporates our modern legal and scientific understanding of juveniles, their criminal culpability, and their capacity for change. This case raises constitutional challenges to S.C. Code Ann. § 63-19-1210, the transfer of jurisdiction statute, and to the statute's reliance on the *Kent* factors. The proposed *amici curiae* brief discusses relevant constitutional precedents on juvenile offenders from the Supreme Court of the United States and the South Carolina Supreme Court, their applicability to the *Kent* factors and the waiver process, and proposed remedies.

WHEREFORE, Justice 360 and the Cornell Juvenile Justice Project respectfully move this Court for leave to file its *amici curiae* brief on these issues. A copy of *amici*'s proposed brief will be conditionally filed with this motion.

*[Signature blocks on following page]*

Respectfully submitted,

/s/ Leah M. Smith

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Brief of Justice 360 and the Cornell Juvenile Justice Project as *Amici Curiae* in Support of the Appellant to *State v. Sanchez-Peralta*, No. 2023-001588, and the Motion for Leave to File *Amici Curiae* Brief, were served by email at the following primary email addresses listed in the Attorney Information System (AIS), this 7th day of May, 2026. A copy of that email is attached to this certificate.

- Gary Howard Johnson II: [ghjohnson@sccid.sc.gov](mailto:ghjohnson@sccid.sc.gov)
- Alan McCrory Wilson: [agwilson@scag.gov](mailto:agwilson@scag.gov)
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*s/ Leah M. Smith*  
Leah M. Smith



Leah Smith <leah@deathpenaltyresource.org>

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**2023-001588: State v. Sanchez-Peralta amicus**

1 message

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**Leah Smith** <leah@justice360sc.org>

Thu, May 7, 2026 at 10:35 AM

To: ghjohnson@sccid.sc.gov, agwilson@scag.gov, mbrown@scag.gov, brandonlarrabee@scag.gov, dzelenka@scag.gov, rhubbard@lexingtoncounty.sc.gov

Cc: Allison Franz <allison@justice360sc.org>, "John H. Blume" <jb94@cornell.edu>

Good morning,

Attached for service is a motion for leave to file an *amici curiae* brief in the above-captioned case, and a copy of the brief to be conditionally filed. Please let me know if there are any issues accessing either of the files.

Best,  
Leah Smith  
Legal Fellow  
Justice 360


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**2 attachments**

 **Sanchez-Peralta amicus\_motion for leave.pdf**  
141K

 **Sanchez-Peralta amicus brief\_for filing.pdf**  
377K