

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Honorable Doyet A. Early, III, Circuit Court Judge

CA No. 05-CP-18-1368
Appellate Case No. 2014-000387

KENNETH SIMMONS, SK5066 *Petitioner,*

v.

STATE OF SOUTH CAROLINA *Respondent.*

**MOTION FOR LEAVE TO FILE BRIEF OF THE ARC OF SOUTH CAROLINA,
ABLE SC, SCAAIDD, PROTECTION AND ADVOCACY FOR PEOPLE WITH
DISABILITIES, INC., AND FAMILY CONNECTION OF SOUTH CAROLINA AS
AMICI CURIAE IN SUPPORT OF PETITIONER**

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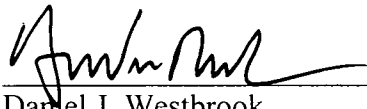
Counsel for Amici Curiae

MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE*

Pursuant to Rule 213, SCACR, the undersigned amici respectfully move for leave to file a brief of *amici curiae*. The undersigned amici are the leading support and advocacy groups in South Carolina for individuals with intellectual disabilities. They offer a valuable perspective on the difficulties that people with disabilities face in all aspects of daily life. Their interest in this case stems from their unified view that people with intellectual disabilities are uniquely vulnerable to falsely confessing to crimes they did not commit due to personality characteristics frequently shared by this population. These characteristics also render individuals with intellectual disabilities especially vulnerable to being wrongfully convicted. A brief from the undersigned amici is helpful to the Court because it represents the views of expert organizations that are tasked with serving, protecting, and advocating for individuals with intellectual disabilities in South Carolina. Their unique perspective provides the broader social context in which this court will consider whether to grant Mr. Simmons' request for a new trial.

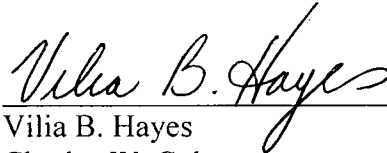
WHEREFORE, the undersigned group of support and advocacy organizations for individuals with intellectual disabilities respectfully moves the Court to accept and file in this cause the Brief of *Amici Curiae*, attached to this motion.

Dated: December 16, 2015.



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Respectfully submitted,



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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM THE DORCHESTER COUNTY
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The Honorable Doyet A. Early, Circuit Court Judge

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KENNETH SIMMONS, SK5066 Petitioner,

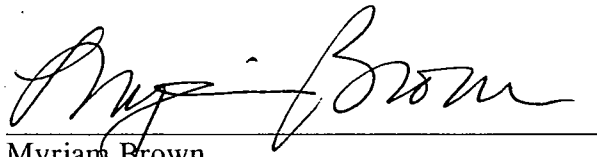
v.

STATE OF SOUTH CAROLINA Respondents.

PROOF OF SERVICE

This is to certify that I, the undersigned administrative assistant of Nelson Mullins Riley & Scarborough LLP, have this day served counsel of record in the foregoing matter with a copy of the foregoing *Motion for Leave to File Brief* and *Brief of the ARC of South Carolina, Able SC, SC AIDD, Protection and Advocacy for People with Disabilities, Inc., and Family Connection of South Carolina as Amici Curiae* in Support of Petitioner by depositing same in the United States Mail with proper postage affixed, addressed as follows:

Donald Zelenka, Esq.
Melody J. Brown, Esq.
S.C. Attorney General's Office
P. O. Box 11549
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Myriam Brown
Administrative Assistant

December 18, 2015

Columbia, South Carolina