

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APR 16 2019

APPEAL FROM HORRY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

George M. McFaddin, Jr., Circuit Court Judge

Case No. 2017-CP-26-07411

(Appellate Case No. 2019-000519)

Jimmy A. Richardson, II, Solicitor for the 15th Judicial Circuit,
on Behalf of the 15th Circuit Drug Enforcement Unit,

Appellant,

v.

Twenty Thousand Seven Hundred Seventy-One and 00/100 Dollars
(\$20,771.00), U.S. Currency and Travis Green,

Respondent.

MOTION TO CERTIFY

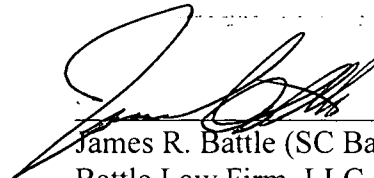
This motion is filed pursuant to Rules 204(b) and 240 of the South Carolina Appellate Court Rules. Rule 204(b) governs the permissive certification of cases to the Supreme Court. Rule 240 governs motions and petitions generally.

This appeal concerns an Administrative Order issued by the Honorable Steven H. John on February 21, 2019. The Administrative Order stayed all civil forfeiture cases in the 15th Judicial Circuit until such time as the South Carolina State Legislature took action in regards to the holding of *Timbs v. Indiana*, 139 S.Ct. 682 (2019), which applied the 8th Amendment's excessive fines clause to the states.

The below litigation was a forfeiture case scheduled for trial the week of March 18, 2019. However, at the trial roster hearing, the Honorable George M. McFaddin stayed this case pursuant to Judge John's Administrative Order.

The Administrative Order impacts this case and the 72 other pending forfeiture cases in the 15th Judicial Circuit by violating the South Carolina Constitution's unified court system, infringing on the separation of powers, and appropriating Appellant's prosecutorial discretion.

This motion is filed by Appellant, who was the Petitioner below. The Respondent was also the Respondent below, and at the time of filing, Respondent had not been able to reach his client, who is incarcerated, concerning consent to this motion.



James R. Battle (SC Bar No. 73604)
Battle Law Firm, LLC
PO Box 530
1200 Main St.
Conway, SC 29528
T: 843-248-4321
Attorney for Appellant

April 11, 2019

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

APR 16 2019

APPEAL FROM HORRY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

George M. McFaddin, Jr., Circuit Court Judge

Case No. 2017-CP-26-07411

(Appellate Case No. 2019-000519)

Jimmy A. Richardson, II, Solicitor for the 15th Judicial Circuit,
on Behalf of the 15th Circuit Drug Enforcement Unit,

Appellant,

v.

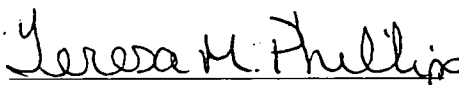
Twenty Thousand Seven Hundred Seventy-One and 00/100 Dollars
(\$20,771.00), U.S. Currency and Travis Green,

Respondent.

PROOF OF SERVICE

Teresa M. Phillips certifies that she is a Paralegal with Battle Law Firm, LLC,
attorneys for Appellant and that she has mailed Appellant's Motion to Certify to the
address shown this 10th day of April, 2019, with proper postage attached thereto.

B. Alex Hyman
1208 Third Avenue
Conway, SC 29528
Attorney for Respondent



Teresa M. Phillips, Paralegal
Battle Law Firm, LLC
PO Box 530
Conway, SC 29528
(843)248-4321
tphillips@battlelawsc.com