

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

Aug 17 2020

S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Steven H. John, Circuit Court Judge

Case No. 2017-CP-26-07411

(Appellate Case No. 2020-000092)

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

**RESPONSE IN OPPOSITION TO APPELLANT'S
PETITION FOR EXPEDITED CONSIDERATION**

Respondents respectfully oppose Appellant's request. This action raises issues of statewide importance, namely the constitutional validity of South Carolina's forfeiture statutes. The trial court's decision declared those statutes unconstitutional on their face because, in every instance, they violate both the procedural due process and excessive fines guarantees of the U.S. and South Carolina constitutions. As Respondents detail in their brief, all South Carolinians suffer due to these constitutional infirmities, not just those people who happen to live in or travel through the 15th Judicial Circuit. This Court should not rush its consideration of these important issues in the name of administrative convenience.

Indeed, numerous individuals and organizations have contacted Respondents and their counsel to indicate that they intend to submit amicus curiae briefs to aid the Court in its consideration of these important issues. These organizations currently include the Palmetto Promise Institute, the Cato Institute, and the ACLU. But Respondents also anticipate that other groups will want to contribute their own perspective on the issues now before this Court on appeal. Expedition of this appeal would short-circuit the important amicus curiae process, depriving this Court of those diverse voices and their valuable insights.

Given the statewide importance of the issues now before this Court, and the great interest individuals and organizations have expressed in helping this Court reach the correct constitutional result, Respondents request that this Court deny Appellant's Motion to Expedite.

Dated: August 17, 2020

Respectfully Submitted,

s/ B. Alex Hyman
B. Alex Hyman
Counsel of Record
S.C. Bar No. 0075416
THE HYMAN LAW GROUP, P.A.
1208 3rd Avenue
Conway, SC, 29526
Phone: (843) 248-2024
Fax: (843) 248-3230
Email: Alex@hymanlaw.group

Daniel Alban*
Robert Frommer*
INSTITUTE FOR JUSTICE
901 N. Glebe Road, Suite 900
Arlington, Virginia 22203
Phone: (703) 682-9320
Fax: (703) 682-9321
Email: dalban@ij.org; rfrommer@ij.org

**Admitted pro hac vice
Attorneys for Respondents*