

IN THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM Horry County  
Court of Common Pleas  
Steven H. John, Circuit Court Judge

Case No. 2017-CP-07411  
(Appellate Case No. 2020-000092)

Jimmy A. Richardson, II, Solicitor for the 15th Judicial Circuit,  
Enforcement on Behalf of the 15<sup>th</sup> 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.

**MEMORANDUM IN SUPPORT OF**  
**UNOPPOSED MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF**

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, the American Civil Liberties Union Foundation, American Civil Liberties Union of South Carolina Foundation, National Federation of Independent Business, South Carolina Appleseed Legal Justice Center, South Carolina for Criminal Justice Reform, Root & Rebound, and Project Not A Statistic request leave to file the accompanying amici curiae brief in support of Respondents. These organizations are a group of non-partisan organizations that advocate for individuals and small businesses. Appellant and Respondents have been notified of the accompanying motion for leave to file an amici curiae brief and have indicated that they do not object.

South Carolina Appellate Court Rule 213 provides that a brief of amicus curiae may be filed only by leave of the appellate court granted on motion, or at the request of the appellate court.

*See, e.g., Amisub of S.C., Inc. v. S.C. Dep't of Health & Env't'l Control*, 407 S.C. 583, 590 (2014) (accepting an amicus curiae brief); *Kurtz v. State*, 369 S.C. 15, 19 n.4 (2006) (noting that the Court granted non-party leave to file amicus curiae brief). “The motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable.” S.C. App. C.R. 213 (2006).

This appeal raises important issues regarding the constitutionality of South Carolina’s civil forfeiture statutes under the Excessive Fines Clause of the U.S. and South Carolina constitutions. This appeal also presents the opportunity for this Court to reexamine its Excessive Fines Clause jurisprudence to ensure that fines and forfeitures are not excessive in light of an individual’s economic circumstances. Amici seek to provide the Court with historical sources and recent jurisprudence from the U.S. Supreme Court and other state supreme courts that highlight the importance of considering an individual’s financial means in determining whether a fine is constitutionally excessive.

A brief from amici curiae is appropriate and desirable in this case. As stated in detail in the attached motion and proposed brief, amici curiae are organizations committed to advocating on behalf of all citizens to protect fundamental rights. Amici have a long history of actively promoting close scrutiny of government actions that encroach on constitutional protections, such as the Eighth Amendment’s prohibition of excessive fines. These organizations represent generations of experience in constitutional cases. The organizations and their members have a direct interest in ensuring that South Carolina honors the rights of all citizens who may be subject to fines, fees, or forfeitures, and it is desirable for the Court to draw upon their collective experience.

WHEREFORE, for the foregoing reasons, amici respectfully request that this Court grant leave to present an amici curiae brief. A copy of the proposed brief is attached hereto and is being conditionally filed with this motion in accordance with Rule 213 of the South Carolina Appellate Court Rules.

Date: September 17, 2020

Respectfully submitted,

/s/ Susan K. Dunn

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