

IN THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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S.C. SUPREME COURT

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

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

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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.

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**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 18, 2020

Respectfully submitted,

*/s/ Susan K. Dunn*

SUSAN K. DUNN\*

(S.C. Bar No. 1798)

SHIRENE C. HANSOTIA\*

(S.C. Bar No. 100629)

ACLU of South Carolina Foundation

P.O. Box 20998

Charleston, SC 29413

Ph. 843-282-7953

sdunn@aclusc.org

Ph. 843-405-3934

shansotia@aclusc.org

\*(Counsel of Record)

JEREMIAH WILLIAMS (*pro hac vice* forthcoming)

JONATHAN FERENC-BURKE (*pro hac vice*  
forthcoming)

Ropes & Gray LLP

2099 Pennsylvania Avenue NW

Washington, DC 20006

(202) 508-4600

Jeremiah.Williams@ropesgray.com

Jonathan.Ference-Burke@ropesgray.com

CAITLIN E. GIAIMO (*pro hac vice* forthcoming)

Ropes & Gray LLP

1211 Avenue of the Americas

New York, NY 10036

(212) 596-9000

Caitlin.Giaimo@ropesgray.com

*Attorneys for Amici Curiae*  
*American Civil Liberties Union Foundation*  
*American Civil Liberties Union of South Carolina*  
*Foundation*  
*National Federation of Independent Business*  
*The South Carolina Appleseed Legal Justice Center*  
*South Carolina for Criminal Justice Reform*  
*Root & Rebound*  
*Project Not A Statistic*

AMREETA S. MATHAI (*pro hac vice* forthcoming)  
OLGA AKSELROD (*pro hac vice* forthcoming)  
RODKANGYIL O. DANJUMA (*pro hac vice*  
forthcoming)  
LEAH WATSON (*pro hac vice* forthcoming)  
American Civil Liberties Union Foundation  
125 Broad St., 18th Floor  
New York, NY 10004  
amathai@aclu.org  
oakselrod@aclu.org  
odanjuma@aclu.org  
lwatson@aclu.org