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S.C. SUPREME COURT

IN THE STATE OF SOUTH CAROLINA
In the 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,
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.

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 Buckeye Institute and Americans for Prosperity Foundation—South Carolina request leave to file the accompanying amici curiae brief in support of Respondents. These organizations are non-partisan organizations that advocate for individuals, 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. Amici seek to provide the Court with an overview of economic research conducted over the last three decades which shows how the financial incentives created by civil forfeiture regimes like South Carolina’s improperly influence law enforcement decisions and thus, violate the Due Process Clause.

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. These organizations have significant experience in litigating for individual rights 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: October 23, 2020

Respectfully submitted,

s/ Jeffrey P. Dunlaevy

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***Motions for admission pro hac vice forthcoming*

Counsel for Amici