

IN THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM Horry County
Court of Common Pleas

Case No. 2017-CP-26-07411
(Appellate Case No. 2020-000092)

RECEIVED

Jan 20 2021

S.C. SUPREME COURT

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 Southern Poverty Law Center and the National Police Accountability Project request leave to file the accompanying amici curiae brief in support of Respondents. These organizations are non-partisan organizations that advocate for victims of civil-rights violations.

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 amici 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 U.S. and South Carolina constitutions. This appeal also presents the opportunity for this Court to examine the racial-justice implications of civil forfeiture in South Carolina. *Amici* seek to provide the Court with historical sources, jurisprudence, and recent figures highlighting the importance of this decision on racial-justice issues in the state of South Carolina.

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 civil rights. *Amici* have a long history of actively promoting close scrutiny of government actions that encroach on civil rights. 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.

DATED: January 20, 2021

Respectfully submitted,

/s/ Alan D. Clemmons

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**Motions for admission pro hac vice forthcoming*

Attorneys for *Amici Curiae* the Southern Poverty
Law Center and the National Police
Accountability Project