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Aug 23 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Honorable Kristi Lea Harrington, Circuit Court Judge

Appellate Case Number: 2018-001269

THE STATE .....RESPONDENT.

v.

KENNETH LAMONT ROBINSON, JR.....APPELLANT.

**Motion of South Carolina Appleseed Legal Justice Center  
Seeking Leave to File Amicus Curiae Brief**

South Carolina Appleseed Legal Justice Center hereby moves pursuant to Rules 213 and 240 of the South Carolina Appellate Court Rules to seek leave of the Court to file the attached *amicus curiae* brief addressing the application of the hand of one, hand of all in juvenile sentencing in support of Kenneth Lamont Robinson, Jr., in the above captioned case.

1. SC Appleseed is a nonprofit law firm that works on behalf of low-income South Carolinians for legal, economic and social justice. This work is done through policy advocacy and systemic litigation. Protecting this state’s most vulnerable residents and recognizing that our state’s children are our most precious resource. SC Appleseed works to ensure that fairness and equity principles are applied to all, especially the children of this state. For that reason, SC Appleseed works tirelessly to ensure the needs of children are recognized in the criminal justice system and worked for the passage of Raise the Age

legislation. The continued protection of children in the intersection of criminal adjudication and juvenile justice is a priority for SC Appleseed's work.

2. As required by Rule 213, SCACR, SC Appleseed has a substantial interest in the issues presented in this case as they concern whether Mr. Robinson's sentence is proper. As it stands, the hand of one, hand of all doctrine removes the requisite culpability requirement of a crime. In so doing, the doctrine fails to appreciate that juveniles do not have the mental ability to appreciate the risk of their actions—raising serious concerns about removing the culpability element. This Court's review is of paramount concern given the United States Supreme Court precedent regarding juvenile sentencing schemes. Any decision regarding this case will be relevant to SC Appleseed's advocacy statewide.
3. Good cause exists to authorize the filing of the attached amicus curiae brief as the arguments and legal authorities presented in the brief will assist the Court in deciding this matter. By appreciating mental limitations of juveniles in conjunction with the practical appreciation that the hand of one, hand of one doctrine removing the culpability element, this Court is left with a more authentic consideration of whether Robinson's sentence comports with United States Supreme Court precedent. By examining this matter through this lens, the Court is provided a more wholistic review of not only this case, but the overarching concerns raised in juvenile cases.
4. SC Appleseed therefore respectfully requests that the Court permit it to file the amicus curiae brief attached to this motion.

*Signature Page to Follow*

Respectfully Submitted,

*/s/ Whitney B. Harrison*

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**CERTIFICATE OF COUNSEL**

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The undersigned hereby certifies that the *Amicus Curiae* Brief of SC Appleaseed complies with Rule 211(b), SCACR.

Respectfully Submitted,

*/s/ Whitney B. Harrison* \_\_\_\_\_

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THE STATE.....RESPONDENT.

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KENNETH LAMONT ROBINSON, JR.....APPELLANT.

**PROOF OF SERVICE**

The undersigned hereby certifies that the *Motion for Leave to File an Amicus Curiae Brief* and *Amicus Curiae Brief of SC Appleseed* was served by email on August 23, 2021, as well as by hard copy to the following:

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Respectfully Submitted,

*/s/ Whitney B. Harrison*

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SC Court of Appeals

Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: *State v. Robinson*  
Case No. 2019-000905

Dear Ms. Kitchings,

Pursuant to Rules 213 and 240, of the South Carolina Appellate Court Rules, please find for filing the enclosed original and seven (7) copies of the **Motion for Leave to File an *Amicus Curiae* Brief**, in the above-captioned matter. Also enclosed, as permitted by Rule 213, are sixteen (16) copies of the ***Amicus Curiae* Brief of SC Appleeed**, conditionally filed with the Court, subject to the Court's consideration of the within Motion. Please also find a check in the amount of \$50.00 for the motion fee. I would appreciate your acknowledging receipt of both the motion and *amicus curiae* brief by file stamping the extra copies and returning them to me via our courier.

If you have any questions or need additional information, please contact me at your convenience. With best regards, I am

Respectfully,

*s/ Whitney B. Harrison*

Whitney B. Harrison

Enclosures