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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Robert Hood, Circuit Court Judge

Appellate Case No. 2020-000188

ANTHONY A. JONES, II.....Petitioner,

v.

STATE OF SOUTH CAROLINA.....Respondent.

MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, Root & Rebound, the Juvenile Defender Advocate, Dr. Kate Kleinfelter, Justice 360 and Cornell Juvenile Justice Project respectfully submit this Motion for Leave to File a Brief of *Amici Curiae* for Petitioner Anthony A. Jones, II.

STATEMENT OF INTEREST OF *AMICI CURIAE*

Amici include advocates, academics, and a professional psychologist who work on behalf of juveniles in South Carolina. Root & Rebound (R&R) is a statewide legal aid organization and criminal system reform advocate that provides direct services to incarcerated people and people with criminal records. R&R regularly represents and advises individuals facing collateral consequences arising from adult convictions, including individuals who were tried as adults for

offenses allegedly committed when they were children. As such, R&R has developed a particular concern for juvenile justice practices in South Carolina that result in lengthy sentences.

Dr. Kate Kleinfelter is a Licensed Clinical Psychologist who has been working with South Carolina's youth and families for over 30 years. Dr. Kleinfelter's practice primarily focuses on evidence-based forensic consultation and evaluation for juvenile attorneys. Previously, she was a psychologist at the South Carolina Department of Juvenile Justice (DJJ), where among other duties she conducted transfer evaluations and helped spearhead a workgroup to incorporate best practices into the transfer evaluation process. Dr. Kleinfelter has a strong interest in ensuring that this Court has access to high quality scientific data regarding childhood development as it relates to juvenile waiver.

Working at the South Carolina Commission on Indigent Defense, the Juvenile Defender Advocate, Dr. Aleksandra Chauhan, provides resources and training to all juvenile defenders in the state. The Juvenile Defender Advocate's main goals are to mitigate the risk of juvenile re-offending and ultimately to enhance public safety by developing and implementing strategies to enhance juvenile representation in South Carolina; to ensure that youth involved with the juvenile justice system have fair and equal access to high-quality legal representation; and to ensure that children involved with the juvenile justice system have access to resources that address the collateral consequences of justice system involvement. The Juvenile Defender Advocate is an expert in children's rights, has years of experience of children's representation in South Carolina, and is a national and international speaker and trainer on issues related to trauma, school-to-prison pipeline, reentry, racial and ethnic disparities, and waiver hearings. She has an interest in all children being treated fairly and without any discrimination.

Justice 360 is a nonprofit organization based in Columbia, South Carolina, whose mission

is to promote fair and just process for people accused of serious offenses. As part of that mission, Justice 360 attorneys represent juvenile clients in criminal proceedings in South Carolina and have been involved in litigation and criminal justice reform efforts on behalf of juvenile clients since the Supreme Court of the United States' decision in *Miller v. Alabama*.

The Cornell Juvenile Justice Project is an outgrowth of the Cornell Death Penalty Project, which is a program housed at Cornell Law School in Ithaca, New York. Over the last twenty years, the Death Penalty and Juvenile Justice Projects have been actively involved in academic research, legislative reform efforts, and individual case representation in South Carolina and other jurisdictions.

Justice 360 and the Death Penalty and Juvenile Justice Projects are currently involved in individual cases involving juvenile clients, including those facing issues related to waiver. Accordingly, they have a vested interest in promoting a legal system in South Carolina that takes account of academic and scientific research regarding juvenile interrogation and protects the interests of juvenile offenders in the State. Justice 360 and the Cornell Juvenile Justice Project have a strong interest in promoting a legal system in South Carolina that takes account of academic and scientific research regarding juvenile development and protects the interests of juvenile offenders in the State.

WHEREFORE, Root & Rebound, the Juvenile Defender Advocate, Dr. Kate Kleinfelter, Justice 360 and the Cornell Juvenile Justice Project respectfully move this Court for leave to file their *amici* brief on these issues.

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