



December 16, 2009

The Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, South Carolina 29211

Dear Mr. Shearouse:

As Executive Director of NAMI SC (The National Alliance on Mental Illness South Carolina), I object to proposed new rule 141(C).

First, allow me to give you some background information on NAMI SC. NAMI SC is the largest grass roots organization dedicated to the improvement of the lives of those with mental illness and their families. We do this through education, support, and advocacy through our 17 local affiliates throughout the state of South Carolina. We are a non-profit 501(c) 3 established in the state in 1986. We are a part of NAMI National that was founded in 1979 in Wisconsin by four family members that wanted to improve the lives and treatment of their loved ones who had mental illness. Since that time we have become the nation's voice on mental illness both in the state and around the country. In addition, I have a son with bipolar disorder; hence, I do this work both as a vocation and as a passion.

NAMI SC objects to proposed new rule 141(C), which, is stated as follows:

- 141(C): After a jury or juror has been dismissed, no person or entity, including but not limited to counsel, defendants, witnesses, victims, or anyone acting on their behalf shall initiate contact with, directly or indirectly, any juror regarding that juror's service on any case. However, upon a motion and hearing showing the necessity of contacting or interviewing one or more jurors, the court may permit such contact upon specified terms and conditions.

The stigma of mental illness, and the fear that mental illnesses can lead to violence, has the potential to influence the decision of a jury even when the facts of the case do not support the decision. The fact is that people with mental illness are more likely to be the victims of violence rather than the perpetrator of violence. Consequently, people with mental illnesses are at a significant disadvantage during a trial by jury.

Proposed rule 141(C) would place substantial roadblocks to determine whether juror bias led to an unfair conviction and thus place people with mental illnesses at an even greater disadvantage if found guilty during a trial by jury.

As the Executive Director of NAMI SC, I respectfully request that proposed rule 141(C) not be adopted.

Respectfully,

Bill Lindsey  
Executive Director, NAMI SC