

Statement on Today's Florida Supreme Court Ruling in the Ayala Litigation

A [majority of the Florida Supreme Court today](#) denied State Attorney Aramis Ayala's challenge to her removal by Florida Governor Rick Scott from a number of death-penalty eligible cases. Over the course of this litigation, dozens of former prosecutors and judges, including four former Florida Supreme Court justices and two former U.S. solicitors general, joined in an [amicus brief](#) urging the court to protect prosecutorial independence and reject the governor's attempt to override a duly elected state attorney's exercise of discretion.

As the dissent noted in today's decision, and as the amicus brief filed by criminal justice leaders made clear, "every day State Attorneys are tasked with making tough choices as to which crimes to prosecute and which penalties to pursue in consideration of their offices' limited resources. Such decisions include whether to accept a plea to a lesser degree of the charged offense, whether to prosecute certain classes of crimes, and, of course, whether to seek the death penalty in capital prosecutions."

Legislatures establish the crimes that can be prosecuted and the range of punishments sought. But it is the locally elected prosecutors who must decide which prosecutions and punishments to pursue. These decisions are an inherent part of the exercise of prosecutorial autonomy.

[We should encourage and support prosecutive leaders willing to make these difficult decisions](#), to bring a new vision to the pursuit of justice that moves beyond simply incarceration-driven responses, and to be transparent when they do so. That is the essence of prosecutorial independence and the fair administration of justice.

Miriam Krinsky
Executive Director, Fair and Just Prosecution