FOR IMMEDIATE RELEASE
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Over 60 Judicial and Criminal Justice Leaders Urge Federal Court to Immediately Reinstate Elected Prosecutor Andrew Warren

Former Fla. judges and prosecutors join national law enforcement and criminal justice leaders to argue Gov. DeSantis’ suspension of State Attorney Warren infringed on his discretion and violated the will of voters

TALLAHASSEE – Today, a bipartisan group of 61 criminal justice leaders – including former Florida Supreme Court Chief Justices, U.S. Attorneys, judges and elected prosecutors – requested that the U.S. District Court for the Northern District of Florida accept an amicus brief urging the court to protect prosecutorial discretion and order the Florida governor to rescind his unlawful order removing Andrew Warren as the duly elected State Attorney of Hillsborough County, Fla. The amicus brief, which amici sought leave to file, argues that by suspending SA Warren, Florida Governor Ron DeSantis exceeded his authority, supplanted the preferences of the voters who twice elected SA Warren and undermined trust in the administration of justice and the operation of our government.

“We should be investing in building trust in the criminal legal system. Taking away people’s electoral power and ability to influence local matters will only fracture faith in our institutions and leave our communities less safe,” said former U.S. Attorney for the Middle District of Florida Lee Bentley, a signatory to the brief.

“The proper administration of justice relies on public trust in the criminal legal system. Overriding the community’s vision of safety and eroding decades of settled prosecutorial autonomy and discretion undermines the rule of law and the foundation of our democracy,” said former U.S. Solicitor General Seth Waxman, another signatory to the brief.

Signatories to the proposed brief include former Florida Supreme Court Chief Justices Harry Lee Anstead, Barbara Pariente and Peggy Quince; former U.S. Attorney Lee Bentley (Middle District of Florida); former Second District Court of Appeals Judge and former Hillsborough County State Attorney E.J. Salcines; former Florida Judges O.H. Eaton, Jr., Manuel Menendez, Jr., William P. Levens and Herbert M. Berkowitz; former Florida State Attorney Harry L. Shorstein; along with former DOJ officials including former Solicitor General Seth Waxman and more than a dozen current and former Police Chiefs and Sheriffs, including former President of the National Police Foundation Jim Bueermann and former Director of the DOJ COPS Office Joseph Brann.
The many criminal justice leaders who joined on to the brief highlight that the Governor removed SA Warren from office simply for sharing publicly his criminal justice priorities and how he plans to use his discretion, which is the fundamental role of a chief prosecutor. Allowing this order to stand would set a dangerous precedent: “[I]f the actions at issue here are deemed to be a permissible basis for removal, then in any case where a prosecutor’s decision to prosecute differs from the governor’s priorities, the prosecutor elected by his community to make these exact discretionary decisions would need to choose whether to act in accordance with the governor’s (and not his own) views or face suspension.”

“Chief prosecutors are elected by the people based on their vision for justice and public safety, and the people of Hillsborough County have twice chosen Andrew Warren to represent them based on his commitment to reform and transparency. It is unthinkable that he could be suspended simply for communicating to his community his vision of justice and how he believes limited resources should be used. To allow Governor DeSantis’ order to stand would put us on a slippery slope where any policy disagreement is grounds for removal of any democratically elected local official. There is no justice in that,” said Miriam Krinsky, Executive Director of Fair and Just Prosecution.

The signatories to the brief emphasize that by suspending SA Warren and replacing him with an unelected prosecutor, Governor DeSantis stripped voters of their ability to choose a state attorney who best reflects their community’s vision for safety, thereby eroding confidence in the integrity of the electoral process: “The proper way for the Governor to express a disagreement with State Attorney Warren’s exercise of discretion and public safety priorities is to ask voters to support a new State Attorney in the next election—not by divesting voters of their most important and solemn obligation in a democracy: their participation in free and fair elections to choose who represents and serves them.”

“As an elected sheriff, I have the responsibility to exercise discretion in how we utilize our limited law enforcement resources. If the voters of my county lose faith in the electoral process, then it will complicate my agency’s ability to serve and protect,” said Charleston County, S.C. Sheriff Kristin Graziano, a signatory to the brief.

Amici are represented by a team of attorneys from the law firms of Weil, Gotshal & Manges, including Steven Newborn, Lauren Bernstein, Tania Matsuoka, Sarah Schnorrenberg, Adam King and Sherry Safavi, and Bush Ross, including Jeffrey W. Warren, Bryan D. Hull and H. Web Melton.

Read the brief here and motion seeking leave to file here; for a list of amici, see below.

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List of Amici

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