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MEDIA CONTACT

Miriam Krinsky

krinskym@krinsky.la

818-416-5218

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*

Harry Lee Anstead

Former Chief Justice, Supreme Court, Florida
Former Chief Judge, Fourth District Court of Appeal, Florida

Barbara Pariente

Former Chief Justice, Supreme Court, Florida
Former Judge, Fourth District Court of Appeal, Florida

Peggy Quince

Chief Justice (Ret.), Supreme Court, Florida
Former Judge, Second District Court of Appeal, Florida

A. Lee Bentley III

Former U.S. Attorney, Middle District of Florida
Former Assistant U.S. Attorney, Middle District of Florida
Former Special Assistant U.S. Attorney, Southern District of Florida
Former Attorney Advisor, Office of Legal Counsel, U.S. Department of Justice

E.J. Salcines

Former Judge, Second District Court of Appeal, Florida
Former Assistant U.S. Attorney and Criminal Division Chief, Middle District of Florida
Former State Attorney, 13th Judicial Circuit (Hillsborough County), Florida
Former President, Florida Prosecuting Attorneys Association
Former Vice President, National District Attorneys Association

Neal R. Sonnett

Former Assistant U.S. Attorney and Criminal Division Chief, Southern District of Florida
Former Chair, ABA Criminal Justice Section
Former President, American Judicature Society

O.H. Eaton Jr.

Former Chief Judge, 18th Judicial Circuit Court, Florida
Former Chair, Criminal Justice Section, Florida Conference of Circuit Judges
Former Chair, The Florida Bar Criminal Procedure Rules Committee
Former Chair, Supreme Court of Florida Criminal Court Steering Committee

Manuel Menendez, Jr.

Former Chief Judge, 13th Judicial Circuit (Hillsborough County), Florida
Former Chief Assistant U.S. Attorney, Middle District of Florida

Herbert M. Berkowitz

Judge (Ret.), 13th Judicial Circuit (Hillsborough County), Florida
Former Assistant U.S. Attorney, Northern District of Ohio

William P. Levens

Judge (Ret.), 13th Judicial Circuit (Hillsborough County), Florida

Harry L. Shorstein

Former State Attorney, 4th Judicial Circuit (Jacksonville), Florida

Shay Bilchik

Former Chief Assistant State Attorney, Miami-Dade County, Florida

Former Associate Deputy Attorney General, U.S. Department of Justice

Former Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

Melba Pearson

Former Assistant State Attorney, Miami-Dade County, Florida

Former President, National Black Prosecutors Association

Roy L. Austin, Jr.

Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice

Former Deputy Assistant to President Obama for the Office of Urban Affairs, Justice, and Opportunity (White House Domestic Policy Council)

Larry Boone

Former Chief, Norfolk Police Department, Virginia

RaShall Brackney, Ph.D.

Former Chief, Charlottesville Police Department, Virginia

Joseph Brann

Former Chief, Hayward Police Department, California

Former Director, Office of Community Oriented Policing Services, U.S. Department of Justice

Bobbe J. Bridge

Former Justice, Supreme Court, Washington

Jim Bueermann

Former Chief, Redlands Police Department, California

Former President, National Police Foundation

Chris Burbank

Former Chief, Salt Lake City Police Department, Utah

Director, Law Enforcement Strategy, Center for Policing Equity

Andrea J. Cabral

Former Assistant Attorney General, Massachusetts
Former Sheriff, Suffolk County, Massachusetts
Former President, Massachusetts Sheriffs Association
Former Assistant District Attorney, Suffolk County, Massachusetts
Former Assistant District Attorney, Middlesex County, Massachusetts

Doug Chin

Former Lieutenant Governor, Hawaii
Former Attorney General, Hawaii

Jerry Clayton

Sheriff, Washtenaw County (Ann Arbor), Michigan

Brendan Cox

Former Chief, Albany Police Department, New York

Neill Franklin

Former Major, Baltimore Police Department
Former Major, Maryland State Police
Former Executive Director, Law Enforcement Action Partnership (LEAP)

William Royal Furgeson, Jr.

Former Judge, U.S. District Court, Western District of Texas

Gil Garcetti

Former District Attorney, Los Angeles County, California

Stan Garnett

Former District Attorney, 20th Judicial District (Boulder), Colorado

Nancy Gertner

Former Judge, U.S. District Court, District of Massachusetts

Ronald Goldstock

Former Director, New York State Organized Crime Task Force, New York State Attorney General's Office
Former Inspector General, U.S. Department of Labor
Former Chief, Rackets Bureau, New York County District Attorney's Office
Former Chair, ABA Criminal Justice Section
Former Co-Chair, ABA Criminal Justice Section Ethics 2000 Committee
Former Chair, ABA Criminal Justice Standards Committee
Former Chair, ABA Criminal Justice Standards Committee, Investigative Function of the Prosecutor Task Force

Christian Gossett

Former District Attorney, Winnebago County, Wisconsin

Kristin Graziano

Sheriff, Charleston County, South Carolina

Joseph R. Grodin

Former Associate Justice, Supreme Court, California

Scott Harshbarger

Former Attorney General, Massachusetts

Former District Attorney, Middlesex County, Massachusetts

Ilene Jaroslaw

Former Assistant U.S. Attorney and General Crimes Chief, Eastern District of New York

Council Member, ABA Criminal Justice Section

Co-Chair, ABA Women in White Collar Committee

Justin F. Kollar

Former Prosecuting Attorney, County of Kaua'i, Hawaii

Scott Lassar

Former U.S. Attorney, Northern District of Illinois

Timothy K. Lewis

Former Judge, U.S. Court of Appeals, Third Circuit

Former Judge, U.S. District Court, Western District of Pennsylvania

Robert L. Listenbee

Former Administrator, Office of Juvenile Justice and Delinquency Prevention (OJJDP), U.S. Department of Justice

Patricia A. Madrid

Former Attorney General, New Mexico

Garry L. McFadden

Sheriff, Mecklenburg County (Charlotte), North Carolina

Michol O'Connor

Former Justice, First Judicial District Court of Appeals, Texas

Former Assistant U.S. Attorney, Southern District of Texas

Jerome O'Neill

Former U.S. Attorney, District of Vermont

Former Assistant U.S. Attorney, District of Vermont

Carmen M. Ortiz

Former U.S. Attorney, District of Massachusetts
Former Assistant U.S. Attorney, District of Massachusetts
Former Assistant District Attorney, Middlesex County, Massachusetts

Channing Phillips

Former U.S. Attorney, District of Columbia

Abdul D. Pridgen

Chief, San Leandro Police Department, California
Former Chief, Seaside Police Department, California

Ira Reiner

Former District Attorney, Los Angeles County, California
Former City Attorney, Los Angeles, California

Stephen Rosenthal

Former Attorney General, Virginia

Stephen Saltzburg

Former Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice

Shira A. Scheindlin

Former Judge, U.S. District Court, Southern District of New York

Robert J. Spagnoletti

Former Attorney General, District of Columbia

Norm Stamper

Former Police Chief, Seattle Police Department, Washington

Darrel Stephens

Former Chief, Charlotte-Mecklenburg Police Department, North Carolina
Former Executive Director, Major City Chiefs Association

Tom Synan

Chief, Newton Police Department, Ohio

James Tierney

Former Attorney General, Maine

Laurence H. Tribe

Former Senior Counselor, Office of Access to Justice, U.S. Department of Justice

Anthony F. Troy

Former Attorney General, Virginia

Cyrus R. Vance

Former District Attorney, New York County (Manhattan), New York

John Walsh

Former U.S. Attorney, District of Colorado

Former Chair, Attorneys General's Advisory Committee of U.S. Attorneys

Seth Waxman

Former Solicitor General, U.S. Department of Justice

Ronald Weich

Former Assistant District Attorney, New York County (Manhattan), New York

Former Special Counsel, United States Sentencing Commission, U.S. Department of Justice

Former Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice