Over 120 Criminal Justice Leaders Urge FL Supreme Court to Overturn Gov. DeSantis’ Unconstitutional Suspension of State Attorney Monique Worrell

Gov. DeSantis’ suspension of duly-elected SA Worrell has no valid legal basis, violates the rights of voters to choose their own leaders, infringes on well-settled prosecutorial independence and undermines public trust in the justice system.

TALLAHASSEE, FLA. – Today, a bipartisan group of 121 criminal justice leaders sought leave to file an amicus brief calling on the Florida Supreme Court to overturn Gov. Ron DeSantis’ order suspending State Attorney Monique Worrell from office and reinstate her as the duly-elected prosecutor of Orange and Osceola Counties. The signatories to the brief – current and former elected prosecutors and law enforcement leaders, as well as former judges (including four former Florida Supreme Court Chief Justices), U.S. Attorneys and Department of Justice officials – argue that the governor violated the state constitution and failed to identify any conduct of SA Worrell that would meet the legal grounds for suspension. Instead, his order was based solely on vaguely defined policy disagreements that should be decided by the voters at the ballot box, not by the political whims of a state leader.

“Nearly two-thirds of the voters in Orange and Osceola counties elected Monique Worrell to serve as their state attorney, and they have now been disenfranchised by a governor set on prioritizing politics over preserving democracy and the interests of the community. The community is being deprived of an elected prosecutor who shares their values and who followed through on her promises to bring about a new vision of justice. Allowing this abuse of power to stand would empower the governor to suspend any and all elected officials with whom he disagrees from office with impunity, eroding democracy and trust in the rule of law in Florida, and thereby also endangering public safety,” said Miriam Krinsky, Executive Director of Fair and Just Prosecution and a former federal prosecutor. “We hope that the court will condemn this authoritarian attack on our most basic democratic principles and act swiftly to ensure the reinstatement of SA Worrell.”

The signatories highlight the long-term dangers to democracy at stake in this case, explaining that if the Court allows the suspension of SA Worrell to stand and refuses to limit the governor’s power to oust elected officials, “the floodgates will open to allow removal far beyond what the [Florida] constitution ever contemplated. Any guardrails for the future will be off…. [F]uture elected leaders in Florida will serve at the whim of the governor – not the will of the people.”
“Governor DeSantis has once again suspended a duly-elected State Attorney because he apparently disagrees with her policies. In so doing, he has, yet again, exceeded his authority, violated well-settled prosecutorial independence and disregarded the rights of the people of Florida to be represented by their chosen leaders,” said former Florida Supreme Court Chief Justice Barbara Pariente, a signatory to the brief.

The brief emphasizes how this order upends well-settled prosecutorial independence that is essential to our criminal legal system: “Keeping weighty prosecution decision-making independent and protected from political interference…is essential to a well-functioning, healthy democracy. By suspending SA Worrell without any valid legal basis, and replacing her with a prosecutor appointed by him rather than elected by the people, Governor DeSantis upsets the careful balance of roles and responsibilities delegated to local as well as state actors.”

“As an elected sheriff, I am responsible for promoting safety and well-being in my jurisdiction. If state leaders are allowed to baselessly remove local prosecutors simply for disagreeing with their approach to justice, confidence in our democratic institutions will be irreparably harmed and people will be less willing to cooperate with the criminal legal system. This makes it harder for all law enforcement leaders to keep our communities safe,” said Mecklenburg County (Charlotte), N.C. Sheriff Garry L. McFadden, a signatory to the brief.

Other signatories to the brief include former Florida Supreme Court Chief Justices Harry Lee Anstead, Rosemary Barkett and Peggy Quince; former Florida Supreme Court Justice James E.C. Perry; former Florida Judges Chris Altenbernd, Herbert M. Berkowitz, William P. Levens and Manuel Menendez; former U.S. Solicitor General Seth Waxman; former Senior Counselor for the DOJ Office for Access to Justice Laurence H. Tribe; former state Supreme Court Justices Bobbe J. Bridge (Washington), Emily Jane Goodman (New York) and Joseph R. Grodin (California); and current Police Chiefs and Sheriffs Jerry L. Clayton (Washtenaw County, Mich.), Kristin Graziano (Charleston County, S.C.), Charmaine McGuffey (Hamilton County, Ohio) and Abdul D. Pridgen (San Leandro, Calif.).

Amici are represented by James Felman, Stuart Markman, Kristin Norse and Katherine Yanes of Kynes Markman & Felman, P.A., from Tampa, Fla.

Read the brief here; see below for a list of amici.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit our website and follow us on Facebook, Twitter, LinkedIn, and Threads.
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