

FOR IMMEDIATE RELEASE

Feb. 1, 2024

MEDIA CONTACT

Alyssa Kress

akress@fairandjustprosecution.org

215-264-9665

Nearly 65 Criminal Justice Leaders Urge Tenn. Court to Protect District Attorneys' Ability to Correct Wrongful Death Penalty Convictions

By removing authority from locally elected DAs, Tennessee's recently passed law infringes on the right of voters to be represented by leaders who reflect their values in the most critical of cases

JACKSON, TENN. – Today, a bipartisan group of 64 public safety and criminal justice leaders filed an [amicus brief](#) urging the Tennessee Court of Criminal Appeals to defend voters' rights, prosecutorial independence and the integrity of the justice system by affirming a trial court's ruling and declaring a recently enacted law unconstitutional. If allowed to stand, the law would empower Tennessee's appointed attorney general to remove locally elected district attorneys from post-conviction death penalty cases, preventing them from correcting wrongful convictions where life and death are at stake. The signatories to the brief – which include current and former elected prosecutors and attorneys general and former judges, U.S. Attorneys and Department of Justice officials – argue that the law undermines democracy and erodes trust in the justice system, which threatens public safety.

“As ministers of justice, all prosecutors have an obligation to ensure innocent people aren't wrongfully punished – especially in capital cases where a human life is at stake. Yet, the Tennessee legislature has inexplicably given an unelected official the power to strip district attorneys of the ability to correct these injustices simply because they disagree with recently elected DAs who pledged to review and rectify mistakes of the past,” said **Miriam Krinsky, Executive Director of [Fair and Just Prosecution](#)**, the organizer of the brief, and a former federal prosecutor. “This law is an attack on the independence of prosecutors and an assault on the right of voters to have a say in their local justice system, and we hope that the appellate Court will affirm the lower court's decision that puts an end to this unconstitutional act.”

The signatories emphasize how the law harms crime survivors and threatens public safety: “When an innocent person remains behind bars—or worse, is executed—and the person who committed the crime is still free—there is no closure and no justice from victims' perspective. Nor is there public safety if the actual perpetrator remains at large.... [T]he public safety implications that occur when prosecutorial discretion is invaded amply extend to the trial court post-conviction phase. Indeed, people may lose even more trust when their elected official can do nothing to correct a clear injustice.”

“As a former judge, I know that the ability to revisit convictions plays a crucial role in upholding the integrity of our criminal legal system and fostering community trust. By thoroughly examining past cases and publicly addressing errors, elected prosecutors demonstrate their dedication to fairness and safeguard against future wrongful convictions. Any effort to impede their obligation to rectify past mistakes undermines transparency, erodes public confidence and hinders the pursuit of true justice,” said **Kevin H. Sharp**, a former federal judge and counsel for *amici*.

The brief further warns of the dangers of legislative infringement on the will of the people: “When a community thinks that someone can take away their say in how their democratically elected officials carry out their jobs, or that other elected officials—who they may not have voted for—are able to chip away at democracy when it suits them, public trust in the integrity of the rule of law suffers. And, as a result, so does public safety.... This concerning consequence is especially likely here, where the legislature...is eviscerating the voters’ right to choose who should represent them in cases involving the most serious punishment.”

“As an elected prosecutor, I am entrusted by and accountable to my community to follow through on their vision of public safety and justice. If state leaders are allowed to disregard the desires of voters they disagree with by simply redistributing power to an unelected official, confidence in our democracy and institutions will suffer, which makes us all less safe,” said **Dallas County District Attorney John Cruzot**, a signatory to the brief and also a former judge.

In addition to a number of current and former elected prosecutors – including **Attorney General Brian Schwab** (Washington, D.C.) and **former Attorneys General Scott Harshbarger** (Massachusetts) and **James Tierney** (Maine) – signatories include **former judges Bobbe J. Bridge, William Royal Furgeson, Jr.** and **Nancy Gertner** and **former U.S. Attorneys Richard Pocker** and **William Wilmoth**.

Read the brief [here](#); see below for a list of *amici*.

###

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](#).

List of Amici

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)

Diana Becton

District Attorney, Contra Costa County, California
Former Judge, Contra Costa County Superior Court, California

Wesley Bell

Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj

Former Commonwealth's Attorney, Loudoun County, Virginia

Shay Bilchik

Former Associate Deputy Attorney General, U.S. Department of Justice
Former Administrator of the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

Sherry Boston

District Attorney, DeKalb County, Georgia

Chesa Boudin

Former District Attorney, City and County of San Francisco, California

Bobbe J. Bridge

Former Justice, Washington Supreme Court

John Choi

County Attorney, Ramsey County (St. Paul), Minnesota

Dave Clegg

Former District Attorney, Ulster County, New York

Laura Conover

County Attorney, Pima County (Tucson), Arizona

Shalena Cook Jones

District Attorney, Chatham County (Savannah), Georgia

John Creuzot

District Attorney, Dallas County, Texas
Former Judge, Dallas County District Court, Texas

Kara Davis

District Attorney, Gilliam County, Oregon

Parisa Dehghani-Tafti

Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia

Steve Descano

Commonwealth's Attorney, Fairfax County, Virginia

Michael Dougherty

District Attorney, Twentieth Judicial District (Boulder), Colorado

Mark Dupree

District Attorney, Wyandotte County (Kansas City), Kansas

Matt Ellis

District Attorney, Wasco County, Oregon

Ramin Fatehi

Commonwealth's Attorney, City of Norfolk, Virginia

Kimberly M. Foxx

State's Attorney, Cook County (Chicago), Illinois

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, Twentieth Judicial District (Boulder), Colorado

Delia Garza

County Attorney, Travis County (Austin), Texas

George Gascón

District Attorney, Los Angeles County, California

Former District Attorney, City and County of San Francisco, California

Sarah F. George

State's Attorney, Chittenden County (Burlington), Vermont

Nancy Gertner

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

Deborah Gonzalez

District Attorney, Western Judicial Circuit (Athens), Georgia

Christian Gossett

Former District Attorney, Winnebago County, Wisconsin

Scott Harshbarger

Former Attorney General, Massachusetts

Former District Attorney, Middlesex County, Massachusetts

Jim Hingeley

Commonwealth's Attorney, Albemarle County, Virginia

Elizabeth K. Humphries

Commonwealth's Attorney, City of Fredericksburg, Virginia

Natasha Irving

District Attorney, Sixth Prosecutorial District, Maine

Michael Jackson

Former District Attorney, Dallas County, Alabama

Justin F. Kollar

Former Prosecuting Attorney, County of Kaua'i, Hawaii

Lawrence S. Krasner

District Attorney, Philadelphia, Pennsylvania

Miriam Aroni Krinsky

Former Assistant U.S. Attorney, Criminal Appellate Chief, and General Crimes Chief, U.S. Attorney's Office for the Central District of California

Former Chair, Solicitor General's Advisory Group on Appellate Issues

Rebecca Like

Prosecuting Attorney, County of Kaua'i, Hawaii

Leesa Manion

Prosecuting Attorney, King County (Seattle), Washington

Beth McCann

District Attorney, Second Judicial District (Denver), Colorado

Ryan Mears

Prosecuting Attorney, Marion County (Indianapolis), Indiana

Mary Moriarty

County Attorney, Hennepin County (Minneapolis), Minnesota

Joseph Platania

Commonwealth's Attorney, City of Charlottesville, Virginia

Richard Pocker

Former U.S. Attorney, District of Nevada

Pamela Price

District Attorney, Alameda County, California

Josh Pond

District Attorney, Columbia County, Oregon

Dalia Racine

District Attorney, Douglas County, Georgia

Ira Reiner

Former District Attorney, Los Angeles County, California

Former City Attorney, Los Angeles, California

Eric Rinehart

State's Attorney, Lake County (Waukegan), Illinois

Marian Ryan

District Attorney, Middlesex County, Massachusetts

Jacqueline Sartoris

District Attorney, Cumberland County (Portland), Maine

Dan Satterberg

Former Prosecuting Attorney, King County (Seattle), Washington

Eli Savit

Prosecuting Attorney, Washtenaw County (Ann Arbor), Michigan

Mike Schmidt

District Attorney, Multnomah County (Portland), Oregon

Brian Schwalb

Attorney General, District of Columbia

Carol Siemon

Former Prosecuting Attorney, Ingham County (Lansing), Michigan

Eric Sparr

District Attorney, Winnebago County, Wisconsin

James Tierney

Former Attorney General, Maine

Matthew Van Houten

District Attorney, Tompkins County, New York

Cyrus R. Vance

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

Jared Williams

District Attorney, Augusta Judicial Circuit, Georgia

Todd Williams

District Attorney, Buncombe County (Asheville), North Carolina

William Wilmoth

Former U.S. Attorney, Northern District of West Virginia