

Leave to file GRANTED

Grant J. Sullivan

United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

9-28-2020

UNITED STATES OF AMERICA,

v.

MICHAEL T. FLYNN,

Defendant.

Crim. No. 1:17-cr-00232 (EGS)

**UNOPPOSED MOTION OF THE NATIONAL ASSOCIATION OF CRIMINAL
DEFENSE LAWYERS FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN
SUPPORT OF DEFENDANT MICHAEL T. FLYNN**

Pursuant to D.C. District Court Rule 7(o), this Court's Minute Orders dated May 12, 2020 and May 19, 2020, the National Association of Criminal Defense Lawyers respectfully moves this Court for leave to file an *amicus curiae* brief in support of the Defendant Michael T. Flynn.

The National Association of Criminal Defense Lawyers ("NACDL") is a nonprofit voluntary professional bar association that works on behalf of criminal defense attorneys to ensure justice and due process for those accused of crime or misconduct. NACDL was founded in 1958. It has a nationwide membership of many thousands of direct members, and up to 40,000 with affiliates. NACDL's members include private criminal defense lawyers, public defenders, military defense counsel, law professors, and judges. NACDL is the only nationwide professional bar association for public defenders and private criminal defense lawyers. NACDL is dedicated to advancing the proper, efficient, and just administration of justice. NACDL files numerous amicus briefs each year in the U.S. Supreme Court and other federal and state courts, seeking to provide amicus assistance in cases that present

issues of broad importance to criminal defendants, criminal defense lawyers, and the criminal justice system as a whole. The question presented here is critically important to NACDL's members.

NACDL seeks leave to file in order to provide the Court with the broad perspective of an organization whose members deal with guilty pleas and their aftermath on a daily basis. Certainly the present case before the Court is a highly unusual one, as the Court's May 13, 2020 (Dkt. 205) Order attests. NACDL's perspective, however, hopefully will assist the Court in understanding how a ruling in this case might impact more common cases. As the prepared brief attests, NACDL and its partners have rigorously examined the plea bargaining system in the United States and proposed significant reforms. NACDL, for example, prepared a report on the "Trial Penalty" in July 2018 that featured a Forward by this Court's appointed amicus, Judge John Gleeson (Ret.). NACDL is pleased and honored to offer to be of assistance to the Court in this important matter.

For the foregoing reasons, NACDL respectfully requests leave to file the proposed amicus brief, attached as an exhibit to this motion. A Proposed Order is also attached.

Counsel for the United States of America has indicated that the United States will take no position on any of the motions for leave to file by any *amici*. Counsel for Defendant Michael T. Flynn has consented to this motion and to the filing of the proposed *amicus* brief.

Dated: June 9, 2020

Respectfully submitted,

/s/ Jeffrey T. Green

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing will be served this 9th day of June, 2020, electronically through the Court's CM/ECF system on all registered counsel.

/s/ Jeffrey T. Green
Jeffrey T. Green