

Leave to file GRANTED

Conrad J. Sullivan

United States District Judge

10-16-2020

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)

v.)

MICHAEL T. FLYNN,)

Defendant.)

No. 17-cr-00232 (EGS)

MOTION FOR LEAVE TO FILE *AMICUS* BRIEF

Pursuant to this Court’s minute orders of May 12 and May 19, 2020, the attorneys listed in the Appendix to the proposed brief and also attached hereto, move for leave to file this brief as *amici curiae* regarding the issues raised by the Court in connection with the Government’s pending motion to dismiss.

(DE #198). *Amici* are a bipartisan group of attorneys with extensive experience in the federal court system, including many who practice criminal law in this and other federal courts. Some were prosecutors, government attorneys, or judges. They have an interest in: (1) the proper application of Fed.R.Crim.P 48 in light of separation of powers principles, and (2) the potential triggering of a contempt proceeding for perjury in cases where a client moves to withdraw a guilty plea or in cases, civil or criminal, where a client provides testimony which a court may consider to be false.

CERTIFICATE OF SERVICE

The undersigned counsel hereby affirms that the foregoing Motion for Leave to File *Amicus* Brief was served on all counsel of record via ECF filing on May 28, 2020.

_____/s/_____
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Exhibit A
List of *Amici Curiae*

Dan Backer	Federal trial and appellate lawyer
Roy Barrera, Jr.	Federal trial and appellate lawyer
Robert J. Bittman	Federal trial and Appellate lawyer Former Deputy Independent Counsel – Whitewater
John Stuart Bruce	Federal trial and appellate lawyer Former (The) United States Attorney, EDNC
Jackie Bennett	Federal trial lawyer Former Deputy Independent Counsel – Whitewater Former DOJ Attorney (Public Integrity Section) Former Assistant United States Attorney, SDIN
Margot Cleveland	Retired career federal law clerk (7 th Circuit)
Ronald D. Coleman	Federal trial and appellate lawyer
Eric Evenson	Former Assistant United States Attorney, EDNC Former Chief – Organized Crime/Drug Enforcement Task Force, EDNC
Jack C. Frels	Former Assistant United States Attorney, SDTX Former Chief – Criminal Division, SDTX Former Assistant United States Attorney, WDTX Former Chief OCDETF/Narcotics Section, WDTX
Chris K. Gober	Federal trial lawyer

Steven D. Gordon	Federal trial and appellate lawyer Former Assistant United States Attorney, DDC Former Chief of Felony Trial, DDC
Trey Gowdy	Former Assistant United States Attorney, DSC
Robert Harvey	Federal trial and appellate attorney Former Judge Advocate General, USN
Kenneth Julian	Federal criminal trial attorney Former Assistant United States Attorney, CDCA Former Deputy Chief, CDCA
Joseph T. Knott, III	Federal trial and appellate lawyer Former Assistant United States Attorney, EDNC
Douglas McCullough	Retired Judge, NC Court of Appeals Former Assistant United States Attorney, EDNC Former Acting United States Attorney, EDNC
Marina Medvin	Career criminal defense attorney
John M. Reeves	Federal trial and appellate lawyer Former Missouri Assistant Attorney General
Wayne A. Rich, Jr.	Former (The) United States Attorney, SDWV Former Principal Deputy Director of the Executive Office of the United States Attorneys Former Military Judge, Col USMCR (ret.)

John P. Rowley, III	Federal trial and appellate lawyer Former Assistant United States Attorney, EDVA
Kevin H. Sharp	Federal trial and appellate lawyer Former United States District Judge, MDTN
William Shipley	Federal criminal trial and appellate lawyer
Matthew H. Simmons	Federal trial and appellate lawyer
Kenneth W. Starr	Former Solicitor General of the United States Former Independent Counsel – Whitewater
Carla Kerr Stearns	Federal trial and appellate lawyer
William A. “Bill” Webb	Mediator Former United States Magistrate Judge, EDNC Former (The) Public Defender, EDNC Former Chief, OCDETF, EDNC Former Assistant United States Attorney, EDNC Former Assistant United States Attorney, WDPA
Solomon L. Wisenberg	Federal trial and appellate lawyer Former Deputy Independent Counsel – Whitewater Former Assistant United States Attorney, WDTX Former Chief -Financial Institution Fraud, WDTX Former Assistant United States Attorney, EDNC

Ronald G. Woods

Former (The) United States Attorney, SDTX

Former Assistant United States Attorney, SDTX

Former Special Agent, FBI