

**IN THE DISTRICT COURT OF APPEAL OF FLORIDA
THIRD DISTRICT**

No. 3D22-2180
L.T. No. F22-15012

STATE OF FLORIDA,
Appellant,

v.

RONALD LEE MILLER,
Appellee.

**Unopposed Motion of the Niskanen Center and former Florida
State Senator Jeff Brandes for Leave to File Amici Curiae Brief
in Support of Appellee and Affirmance**

On Appeal from a Final Order of the Circuit Court for the Eleventh
Judicial Circuit in and for Miami-Dade County

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1. The Niskanen Center is a nonprofit, nonpartisan public policy think tank that advocates for the rule of law and a government that protects individual and societal freedoms. The Niskanen Center provides a constructive and optimistic response to the most daunting challenges Americans face in the 21st century, including dysfunctional bureaucracies, government overreach, and high rates of crime and incarceration.

2. Jeff Brandes is a former Florida State Senator who represented Florida's 24th Senate District from 2012 to 2022. Prior to that, he was a member of the Florida House of Representatives from 2010 to 2012. Senator Brandes now leads the Florida Policy Project, a nonprofit, bipartisan think tank that focuses on, among other things, criminal justice issues.

3. The issue to be addressed in this case is whether Florida's Office of Statewide Prosecution had the authority to prosecute an isolated incident of an individual, acting alone in one judicial circuit, for allegedly registering to vote and voting while ineligible.

4. *Amici* have a significant interest in the resolution of this case because the State is seeking to prosecute an individual based

on alleged crime facilitated by the State's own failure to review voter registration applications. In addition, the State seeks to use a law passed *after* the dismissal in this case to justify (retroactively) the Statewide Prosecutor's authority.

5. The participation of *amici* will benefit this Court by demonstrating how this prosecution stems from the Florida Department of State's failure to adhere to its statutory responsibilities; how a law passed after the dismissal of a case (even a law considered to be "procedural" or "jurisdictional") cannot be applied retroactively consistent with controlling legal principles; and how the State's asserted theory would drastically and improperly expand the Statewide Prosecutor's authority.

6. The participation of *amici* will not cause any delay or disruption in these proceedings.

7. Before filing this motion, counsel for *amici* conferred with respective counsel for the parties. Appellant consents to the relief requested in this motion. Appellee consents to the relief requested in this motion.

WHEREFORE, *amici* respectfully request that this Court grant this motion and permit *amici* leave to file their amicus brief in support of Appellee Ronald Miller.

September 25, 2023

Respectfully submitted,

/s/ Paul M. Goodrich

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this brief was furnished by electronic mail to the following individuals on September 25, 2023.

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