

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

Nov 23 2022

S.C. SUPREME COURT

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2022-001604

State of Georgia Respondent.

v.

Mark Randall Meadows Appellant.

**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF
CURRENT AND FORMER PROSECUTORS
IN SUPPORT OF RESPONDENT STATE OF GEORGIA**

Amici curiae Donald F. Ayer, John Farmer, Stuart Gerson, Sarah Saldaña, William F. Weld, Shan Wu, and David Pascoe respectfully seek leave of the Court to appear as *amici curiae* pursuant to Rule 213, SCACR, and in that capacity to file their brief in support of Respondent, the State of Georgia. As permitted by Rule 213, SCACR, *amici* conditionally file their proposed brief with the Motion as EXHIBIT A hereto.

In support of this motion, *amici* would respectfully show the Court the following.

INTEREST OF *AMICI CURIAE*

Amici curiae are a bipartisan group of current and former prosecutors¹ who are concerned

¹ Mr. Ayer served as Deputy Attorney General at the U.S. Department of Justice from 1989 to 1990, Principal Deputy Solicitor General of the United States from 1986 to 1989; and U.S. Attorney for the Eastern District of California from 1981 to 1986. Mr. Farmer served as an

that this case may unduly constrict the ability of all states, including South Carolina, to secure other states' assistance with investigating and prosecuting crimes. *Amici* have a substantial interest in ensuring that all states, including the state of Georgia, with which South Carolina shares a lengthy border, abide by the comity principles that underlie the Uniform Law.

Amici respectfully submit that their proposed amicus brief may assist the Court in its decisional process and in its evaluation of the legal issues raised in this matter. *Amici* are former federal prosecutors, and they collectively have many decades of experience with subpoenas. They also have substantial experience with the structure and process of law enforcement investigations and grand jury procedures, and several have specific experience with the issue of executive privilege. The proposed amicus brief is narrowly tailored to key issues before the Court and granting leave would not cause any delay or prejudice to the parties.

For the foregoing reasons, *amici* respectfully request that the Court grant leave to file the *amici curiae* brief in support of Respondent.

Assistant U.S. Attorney, New Jersey Attorney General, Senior Counsel to the 9/11 Commission, and Dean of Rutgers Law School. Stuart M. Gerson served as the Acting Attorney General of the United States in 1993, as Assistant Attorney General from 1989 until 1993, and as Assistant United States Attorney for the District of Columbia from 1972 until 1975. As an Assistant United States Attorney, Mr. Gerson represented the United States in litigation under the Uniform Act with respect to matters related to the initial Watergate prosecution. Ms. Saldaña served as the U.S. Attorney for the Northern District of Texas from 2011 to 2014 and Director of U.S. Immigration and Customs Enforcement from 2014 to 2017. Mr. Weld served as the U.S. Attorney for Massachusetts from 1981 to 1986, as the Assistant U.S. Attorney General in charge of the Criminal Division from 1986 to 1988, and as Governor of Massachusetts from 1991 until 1997. Mr. Wu previously served as Counsel to Attorney General Janet Reno from 1998 until 2000 and as an Assistant United States Attorney in Washington, D.C. from 1990 until 2001. Mr. Pascoe is the current Solicitor for the First Judicial Circuit of South Carolina.

Respectfully submitted, this 23rd day of November, 2022

KEKER, VAN NEST & PETERS LLP

s/ Steven A. Hirsch

Steven A. Hirsch*

Keker, Van Nest & Peters LLP

633 Battery Street

San Francisco, CA 94111-1809

Telephone: (415) 391-5400

shirsch@keker.com

HAYNSWORTH SINKLER BOYD, P.A.

s/ Jonathan D. Klett

Costa M. Pleicones, S.C. Bar No. 4479

William C. McKinney, S.C. Bar No. 100690

Jonathan D. Klett, S.C. Bar No. 103208

Haynsworth Sinkler Boyd, P.A.

P.O. Box 2048 (29602)

ONE North Main St., 2nd Floor

Greenville, South Carolina 29601

Telephone: (864) 240-3200

Facsimile: (864) 240-3300

cpleicones@hsblawfirm.com

wmckinney@hsblawfirm.com

jklett@hsblawfirm.com

Norman L. Eisen*

States United Democracy Center

1101 17th St. NW, Suite 250

Washington, D.C. 20036

Telephone: (202) 999-9305

norm@statesuniteddemocracy.org

Maithreyi Ratakonda*

States United Democracy Center

1 Liberty Plaza

165 Broadway

23rd Floor, Office 2330

New York, New York 10006

Telephone: (202) 999-9305

mai@statesuniteddemocracy.org

Jonathan L. Williams*
States United Democracy Center
400 NW 7th Ave #14310
Ft. Lauderdale, FL 33311
Telephone: (202) 999-9305
jonathan@statesuniteddemocracy.org

**Pro Hac Vice Forthcoming*

Counsel for Amici Curiae

November 23, 2022
Greenville, South Carolina