

Nov 1, 2024

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## Attorney General Ashley Moody News Release

### AG Moody Leads Multistate Effort Against Federal Government’s Persistent Push to Prosecute Trump Following Case Dismissal



TALLAHASSEE, Fla.—Attorney General Ashley Moody is leading a multistate coalition of other attorneys general urging the U.S. Court of Appeals for the 11th Circuit to affirm the dismissal of U.S. Department of Justice Special Counsel Jack Smith’s indictment of former President Donald Trump. The brief argues that Smith’s actions are invalid due to regulations that violate Article II of the U.S. Constitution.

**Attorney General Ashley Moody** said, “We are leading the fight against the Biden-Harris machine’s persistent attempts to prosecute their political rival — even after the case was dismissed. Through a new multistate effort, we are urging the court to affirm the district court’s dismissal of DOJ Special Counsel Jack Smith’s indictment of former President Trump. We have a profound interest in ensuring that those responsible remain democratically accountable to the states’ citizens and in checking unprecedented abuses of executive power.”

In 2022, U.S. Attorney General Merrick Garland appointed outside attorney Smith to serve as Special Counsel for the DOJ, investing Smith with the full power and independent authority to exercise the functions of any U.S. attorney to investigate Trump. Smith used that authority to take the unprecedented step of indicting a former president and the principal political rival of the current administration in power. However, unlike a U.S. attorney, Smith faces next-to-zero

presidential accountability.

Attorney General Moody and the coalition filed an amicus brief to emphasize an alternative ground for affirmance of the district court's judgment dismissing the indictment: "Smith acted under regulations that authorize the exercise of core executive power unguided by the plenary control of the President or any principal officer accountable to him. Because those regulations violate Article II of the Constitution, Smith's actions under them are invalid."

The brief goes on to state: "Indeed, the avowed purpose of Special Counsel Smith's appointment was to remove responsibility—and thus political accountability—for the investigations and prosecutions under his purview from the current Administration. The Attorney General appointed Special Counsel Smith after President Trump announced his candidacy for the 2024 election because the Attorney General considered it 'in the public interest' for someone 'independent' of the Administration to head these criminal proceedings. The result: A single executive officer now unilaterally resolves massively consequential, politically fraught issues like whether to indict a former president and current presidential candidate and what position the United States will take as to whether and to what extent a President enjoys immunity from criminal prosecution. Article II does not give the Attorney General the authority to vest the executive power in Jack Smith...The district court's dismissal of the indictment should be affirmed."

Attorney General Moody co-led the multistate effort with Iowa Attorney General Brenna Bird. The following states also joined the coalition: Alabama, Alaska, Arkansas, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Tennessee, Utah and West Virginia.

To view a copy of the brief, click [here](#).

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