

OPINION

ANOTHER VIEWPOINT

Florida's grandstanding investigation hinders feds

A man hides in the bushes for hours at Trump International Golf Club waiting for former president Donald Trump, who is playing a regular Sunday round of golf, to come into his firearm sights. A federal Secret Service agent observes a rifle barrel protruding from the bushes well before the president comes near any lethal action. Shots are fired at the alleged gunman, who flees. Through a nearby witness' account, authorities are able to identify the assailant's vehicle, and local authorities arrest him in the next county north. Additional forensic evidence ties the now-defendant to a plot to at least threaten Trump, if not kill him. These are all publicly reported facts.

Despite the relatively straightforward nature of any case arising from these facts, Florida's current governor, Ron DeSantis, and attorney general, Ashley Moody, insist that state authorities must march forward



By Michael McAuliffe

and take the lead in any enforcement action in the matter.

Don't take their pronouncements for anything other than what they are — cynical political maneuvers in a divisive election season.

The state's investigation into this alleged attempted assassination of Trump is wholly premised on false assumptions and too convenient doubts. DeSantis held an almost immediate press conference in West Palm Beach attacking the credibility and even the ability of federal law enforcement agencies to investigate and prosecute the matter. According to the governor, the professed lack of competence (one he seems to be rebroadcasting from far-right media) necessitated that Florida conduct its own independent investigation and be responsible for any eventual prosecution. The not-subtle implication is that the feds are incapable or unwilling to perform their professional duties in the case.

Importantly, both the federal and state governments have potential (and parallel) jurisdiction in the matter. In fact, the state attorney for the Fifteenth Judicial Circuit (Palm Beach County) is the primary state prosecutorial authority in the location where the activity occurred. Despite that, the governor issued an executive order assigning any state enforcement to the statewide prosecutor, an official who is appointed by the state attorney general and functions under the AG's general supervision. The basis for the removal was that the assailant's alleged crimes occurred across county lines. The technical accuracy of that statement (the assailant fled to Martin County) belies that the local state attorney's office has jurisdiction and is staffed with homicide prosecutors who build or try attempted murder cases every week of the year. It is fully capable of handling any state prosecution of the matter.

The state attorney's comments, reported in the Sun Sentinel, that simply vouch

for the professional integrities of both the statewide prosecutor and the U.S. Attorney in South Florida miss the point. The fight over who will proceed with the case is being aired in public largely because Moody sent a charged letter to the feds in essence accusing them of bad faith in pursuing the federal indictment and in limiting access to evidence. Her aggressive and public communication likely was meant less to convince the feds of anything than to score political points to another type of audience. The letter certainly does not read like it was attempting to persuade the recipients of anything.

Despite Moody's letter, the state very likely has access to enough evidence to file charges. Usually, the state would then defer to the ongoing federal prosecution and file a detainer on the defendant in order to secure his future presence in state court. The state also could wait to see the federal case's outcome in order to make a considered decision about moving forward or not. Often, a

dual prosecution, whether state or federal, acts as a backup in case of a reversal or other significant negative development in the first case.

It's not a time or circumstance for public posturing or pontificating. It's a question of quiet cooperation, of state law enforcement coordinating with the federal authorities to achieve the best possible outcome. That outcome is a prosecution — or prosecutions — based on credible evidence of serious criminal conduct and a worthy legal process, including the possibility of a fair trial.

It does no good for politicians, especially the governor and the chief legal officer of the state, to openly undermine the integrity and ability of federal agents and prosecutors to make the case.

It's a completely unnecessary hindrance to actually making the best case.

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