

IN THE SUPREME COURT OF THE STATE OF OREGON

THE PUBLIC DEFENDER OF MARION COUNTY, INC.,

Relator,

and

STATE OF OREGON,

Plaintiff-Adverse Party

v.

IZELL GUAJARDO-MCCLINTON,

Defendant.

Marion County Circuit Court
23CR16472

S070205

Original proceeding in mandamus.

MOTION—APPEAR *AMICUS CURIAE*

The American Civil Liberties Union of Oregon (ACLU of Oregon), the American Civil Liberties Union Foundation (ACLU), the Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), and the Lewis & Clark Law School Criminal Justice Reform Clinic (CJRC) respectfully seek leave to appear as *amici curiae* in the above-captioned case to file a brief in support of Relator Public Defender of Marion County (PDMC). The ACLU of Oregon, ACLU, Lawyers' Committee, and CJRC all have an extensive history of

advocating for the constitutional rights of people accused of crimes, with significant experience doing so before this Court.

As *amici curiae*, ACLU of Oregon, ACLU, Lawyers' Committee, and CJRC do not wish to present private interests of their own; they write with serious concern about the unrepresented defendant crisis and to urge the Court to take immediate action to bring Oregon's criminal legal system into compliance with the Constitution.

Undersigned counsel conferred with Solicitor General Benjamin Gutman, Deputy Solicitor General Paul Smith, and Deputy Marion County District Attorney Natalie Barringer, counsel for the state, as well as Joshua Krumholz, counsel for Relator. Neither the State of Oregon nor Relator PDMC oppose the joint appearance *amici curiae* now seek.

This motion is timely filed because in its July 13, 2023 Order granting the parties' joint briefing schedule in part, the Court set a deadline for *amici curiae* parties to file their briefs by August 18, 2023.

Respectfully submitted this 18th day of August, 2023.

By: s/Kelly Simon

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 18, 2023, I directed the original **MOTION—APPEAR *AMICI CURIAE*** to be electronically filed with the Appellate Court Administrator, Appellate Records Section and served via email upon the following individuals:

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DATED this 18th day of August, 2023.

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