



1. The instant action was filed by Petitioners seeking to enjoin a ballot question, scheduled to be placed before the voters on the November 5, 2019 general election ballot, that violated Article XI, § 1's constitutional mandate that "[w]hen two or more amendments shall be submitted they shall be voted upon separately." Pa. Const. art. XI, § 1.

2. The ballot question asks voters to accept or reject the proposed constitutional amendment known as Joint Resolution 2019-1, or Marsy's Law. The amendment would create fifteen new constitutional rights for crime victims that must be enforced to the same degree as the constitutional rights of the accused in criminal court proceedings. The amendment would allow victims or prosecutors to seek a court order to enforce these new constitutional rights and would empower the General Assembly to pass laws to define and implement these new rights.

3. Petitioners seek through their request for a preliminary injunction that the constitutional amendment not go into effect until the Court determines whether the challenged ballot question complies with Article XI, § 1's separate vote requirement, and is otherwise legally valid.

4. Mr. Greenblatt is a criminal defense attorney, whose representation of his clients will be severely, and negatively, impacted if the requested injunction is not granted. He therefore has a real and direct interest in this controversy, and seeks to intervene on that basis.

5. Mr. Greenblatt is the managing partner of Greenblatt, Pierce, Funt and Flores, LLC, and is one of the most respected and sought-after attorneys in Pennsylvania and New Jersey. Mr. Greenblatt has successfully litigated over 1,000 criminal trials.

6. Since the age of 20, Mr. Greenblatt has sought to protect the rights of men and women accused of criminal wrongdoing. In 1981, he became one of the youngest union shop stewards in U.S. history when he was elected union shop steward for New Jersey Restaurant Local

54 (now Local 33). In this position, he fought grievances brought against his fellow union members and filed grievances on behalf of union members. Upon his graduation from law school, Mr. Greenblatt joined the Defender Association of Philadelphia. There, he handled the defense and trials of hundreds of accused men and women and was one of only two lawyers appointed to the prestigious Special Defense Unit (SDU).

7. Today, after 25 years of practice, Mr. Greenblatt is one of the leaders of the criminal defense bar in both Pennsylvania and New Jersey and he is highly engaged in service to the profession. He is the immediate past chairperson of the Philadelphia Chapter of the Pennsylvania Association of Criminal Defense Lawyers and still serves on its executive committee. He is a founding member and Master of the Philadelphia Inn of Criminal Court, where he is on the executive committee, planning committee and serves as secretary. He is also a member of the executive committee of the Defender Association of Philadelphia Alumni Association and an active member of the Association of Criminal Defense Lawyers of New Jersey, the Philadelphia Bar Association, and the Camden County Bar Association.

8. Mr. Greenblatt is regularly asked to lecture to judges as well as to other criminal defense lawyers, new prosecutors and Rutgers and Temple law students on adult and juvenile criminal law subjects.

9. Mr. Greenblatt is extensively engaged in defending persons accused of crimes. Mr. Greenblatt's representation of such defendants will be severely hampered if the ballot question is not enjoined. In particular, not granting the injunction will, in the event that the proposed amendment is passed and goes into immediate legal effect, create a great deal of uncertainty and confusion during the pendency of the litigation. Without an injunction, even if Petitioners are

ultimately successful regarding the legal invalidity of the proposed amendment, there will be an indeterminate period of time when , for instance,

- no public proceeding can occur until after reasonable notice to all victims (including preliminary arraignment) and allowance for the right “to be heard in any proceeding where a right of the victim is implicated, including, but not limited to, release, plea, sentencing, disposition, parole and pardon”;
- no victim has to respond to any discovery or subpoena from the defense; and
- proceedings, including cross examination, may be curtailed by the victim’s right “to be treated with fairness and respect for the victim’s safety, dignity and privacy”

10. As a person whose livelihood depends on the representation of criminal defendants, it would be extremely difficult for Mr. Greenblatt to effectively and competently represent clients while it is unclear whether Marsy’s Law will be permanent or not. Do you delay a trial, hoping to get back the right to subpoena witnesses and evidence? What do you tell clients who are in jail awaiting a bail reduction motion or any other hearing, about when their case will move forward? Does the government suddenly have a lot more leverage in a plea? These, and many as yet-unknown questions will suddenly become matters of utmost concern and uncertainty in the event that the amendment becomes law, even if only on a temporary basis.

11. The uncertainty would also be a problem for prosecutors, judges, and others involved in the criminal justice system. If Marsy’s Law goes into effect, but is subsequently found to be unconstitutional and invalid, this will place into doubt the validity of most, if not all, criminal convictions obtained during the interim period whose rights and criminal process were affected by Marsy’s Law requirements. This will open the floodgates to potentially thousands of appeals from convicted defendants. Such appeals would be readily avoided by granting the requested injunction

preventing the amendment from going into effect until its legal validity has been finally determined.

12. Very simply, it would be nearly impossible for Mr. Greenblatt, and other similarly-situated criminal defense attorneys, to represent clients during any period of uncertainty about whether Marsy's Law applies and how long it will apply.

13. For these reasons, it would cause Mr. Greenblatt and his clients irreparable harm if the proposed injunction is not granted and Marsy's Law goes into effect.

14. If permitted to intervene, Mr. Greenblatt will file the attached Brief in support of the requested preliminary injunction (Exhibit A hereto), and will also join in Petitioners' Application and supporting Brief. He will also, if permitted, offer his testimony at the scheduled October 23, 2019 hearing on Petitioners' Application, and hereby so requests. Mr. Greenblatt respectfully submits that his evidence and argument regarding the severe harm that will befall him in his professional responsibilities, and his clients and other criminal defendants, as well as the courts and criminal justice system, should the injunction not be granted, will provide valuable and insightful guidance to the Court, based on many years of experience representing defendants

15. Granting this Application would not cause any prejudice to the other parties to the case, or to the orderly administration of justice. Mr. Greenblatt filed this Application on October 18, 2019, a mere eight days after Petitioners filed their Petition for Review addressed to this Court's original jurisdiction, and accompanying Application for Special Relief in the Form of a Preliminary Injunction under Pa. R.A.P. 1532. Moreover, granting this Application will not delay the scheduled hearing.

WHEREFORE, for the foregoing reasons, Proposed Intervenor Ronald L. Greenblatt, Esquire, respectfully requests this Court grant him leave to intervene as a Respondent in this case.

Respectfully submitted,

STEVE HARVEY LAW LLC



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