Supreme Court

No. 07-264-M.P.

State of Rhode Island	:
v.	:
Matthew Thomas, et al.	:

O R D E R

These consolidated criminal cases came before the Court in conference on Governor Donald Carcieri's petition for a writ of certiorari. The Governor seeks review of a Superior Court ruling denying his motion to quash a subpoena served upon him by certain of the defendants. The Superior Court ruling would require the Governor to appear and testify at the defendants' upcoming trial. The Governor has further moved to expedite the proceedings in this Court. After careful consideration of the memoranda filed by counsel for the parties, this Court hereby directs that the following Order shall enter:

- The petition for writ of certiorari is granted. The Superior Court proceedings in these cases are stayed until further Order of this Court. The motion to expedite is granted, and this petition is assigned to the *October 30, 2007* calendar for oral argument. The Governor's brief shall be due on or before *September 26, 2007*. The Attorney General is also directed to file, within the time allotted the Governor, a brief setting forth his office's position on the issues raised herein. Responsive briefs will be due within 20 days of the filing of the Governor's or Attorney-General's brief, whichever is later filed.
- 2. The parties are directed to address in their briefs, and should be prepared to address at oral argument, the issue, amongst others

raised in the petition, of the Governor's possible waiver of his right to claim an executive testimonial privilege in light of his public statements. Further, the attorneys for the defendants are directed to clarify and to specify the precise facts which they expect to glean from the Governor's anticipated testimony in these cases and the precise issue, or issues, in each of the respective cases to which such facts are expected to relate, including citations to authorities.

3. The parties are earnestly encouraged to mediate these cases and to do so expeditiously. The Supreme Court Appellate Mediation Office and Chief Justice Weisberger (Ret.) will assist in this effort. The parties are urged to contact the mediation office.

Entered as an Order of this Court this 6th day of September 2007.

By Order,

<u>s/s</u>_____

Clerk