

**In the  
Supreme Court of the United States**

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BRETT FERRIS,

*Petitioner,*

v.

CHRYSTAL SCISM, INDIVIDUALLY AND AS  
ADMINISTRATRIX OF THE ESTATE OF JOSHUA SCISM,

*Respondent.*

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**On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Second Circuit**

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**MOTION FOR LEAVE TO FILE  
AND BRIEF OF AMICUS CURIAE  
NATIONAL POLICE ASSOCIATION  
IN SUPPORT OF PETITIONER**

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**MOTION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF**

Under Supreme Court Rule 37.2(b), the National Police Association (“NPA”) respectfully moves for an Order from the Court granting it leave to file the accompanying brief as *amicus curiae* in support of the Petitioner. The consent of counsel for Petitioner, Brett Ferris, has been obtained via electronic mail dated May 24, 2022, but the consent of counsel for Respondent Chrystal Scism, individually and as Administratrix of the Estate of Joshua Scism, was withheld via electronic mail dated May 24, 2022, without stating a reason. Rule 37.2(a) requires that the consent of counsel be obtained at least 10 days before submission of an *amicus curiae* brief. Respecting this rule, NPA requested the consent of Petitioner and Respondents via electronic mail on May 24, 2022, respectively. These dates were in advance of the June 6, 2022 deadline to file *amicus curiae* briefs in support of Petitioner. By so requesting, NPA provided counsel for Petitioner and Respondent notice of this organization’s interest in this case prior to the drafting of the *amicus curiae* brief.

The National Police Association is an Indiana non-profit corporation founded to provide educational assistance to supporters of law enforcement and support to individual law enforcement officers and the agencies they serve. The NPA seeks to bring important issues in the law enforcement realm to the forefront of public discussion in order to facilitate remedies and broaden public awareness.

As part of its efforts to advocate for law enforcement the nation over, the NPA participates in the judicial

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process when and where legal issues important to the effective and compassionate administration of justice are implicated. The NPA has filed numerous *amicus curiae* briefs in state and federal courts nationwide pursuant to the above-stated goals.

In the *amicus brief* filed concurrently with this Motion, the NPA brings to the Court's attention well-settled scientific principles that support, at every level of judicial review, a clear and unequivocal application of the "totality of the circumstances" component of a use-of-force analysis. Scientific inquiry into the ability of law enforcement to make decisions in tense, rapid, and life-threatening circumstances reveals that officers cannot physiologically operate at full capacity in both their physical and mental processes.

This problem, which is inherent to the circumstances law enforcement officers face every day, is addressed by this Court's directive that district and circuit courts should consider the "totality of the circumstances" in reviewing a particular officer's use of force. When a circuit court breezes past that analysis, it not only stands as an implicit rejection of this Court's precedent but also of settled science. Here, the Second Circuit's 7-page summary order does just that. These concerns, discussed at length in the accompanying *amicus curiae* brief, provide the reasons the Court should grant NPA's motion.

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Respectfully submitted,

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