

IN THE SUPREME COURT OF FLORIDA

RANDALL T. DEVINEY,

Appellant,

v.

CASE NO. SC17-2231

Cir. Case No. 16-2008-CF-12641

STATE OF FLORIDA,

Appellee.

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MOTION TO SUPPLEMENT THE RECORD

Appellant, RANDALL T. DEVINEY, moves this Court to order the record be supplemented with the following items, and as grounds states:

1. The record on appeal does not include the following items:

A. State's Exhibit 70, a CD recording of an August 5, 2008, "911 call," which was admitted into evidence at the prior "guilt-phase" trial on July 15, 2015, and published at the "penalty-phase" trial on October 11, 2017;

B. State's Exhibit 89, a DVD recording of an August 30, 2008, interview of Mr. Deviney, which was admitted into evidence at the prior "guilt-phase" trial on July 15, 2015, and published at the "penalty-phase" trial on October 11, 2017

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C. State's Exhibit 112, a CD recording of a September 1, 2008, "jail call" by Mr. Deviney, which was admitted into evidence at the prior "guilt-phase" trial on July 15, 2015, and published at the "penalty-phase" trial on October 11, 2017;

D. State's Exhibit 113, a CD recording of an August 31, 2008, "jail call" by Mr. Deviney, which was admitted into evidence at the prior "guilt-phase" trial on July 15, 2015, and published at the "penalty-phase" trial on October 11, 2017;

E. The jury's "penalty-phase" verdict form filed on October 13, 2017 (a copy of this item appears to be attached to a post-trial motion, but, out of an abundance caution, undersigned counsel includes the verdict form in this request); and

F. The trial court's sentencing order filed on December 11, 2017.

2. Appellant's attorney needs a copy of the above-mentioned items to properly evaluate whether certain issues should be raised on appeal and/or to properly address certain issues that presently appear appropriate to raise on appeal.

3. Assistant Attorney General, Jennifer L. Keegan, has been contacted, and she has indicated that the State does not have an objection to this motion.

WHEREFORE, Mr. Deviney requests that this Court order (1) the record be supplemented with the above-mentioned items and (2) copies of those items be provided to counsel for the parties.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by electronic mail to Jennifer L. Keegan, Assistant Attorney General, Capital Appeals Division, The Capitol, PL-01, Tallahassee, FL, 32399-1050, at capapp@myfloridalegal.com and jennifer.keegan@myfloridalegal.com, as agreed by the parties, and via the Florida Courts E-Filing Portal to the Duval County Clerk of Courts, on this 8th day of May, 2018.

Respectfully submitted,

ANDY THOMAS
PUBLIC DEFENDER
SECOND JUDICIAL CIRCUIT

/s/ Richard M. Bracey, III
RICHARD M. BRACEY, III
Assistant Public Defender
Fla. Bar No. 76419
Leon County Courthouse
301 S. Monroe St., Suite 401
Tallahassee, Florida 32301
(850) 606-1000
mose.bracey@flpd2.com

ATTORNEY FOR APPELLANT