

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT OF FLORIDA

SHAWN ROGERS,

Appellant,

v.

CASE NO.: 1D18-23  
CAPITAL CASE

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_/

**MOTION TO TRANSFER CASE TO THE FLORIDA SUPREME COURT**

On December 18, 2017, the Santa Rosa County Circuit Court sentenced Appellant to death for first degree murder, case no. 2017-CF-804.

In accordance with § 921.141(5), Florida Statutes, "The judgement of conviction and sentence of death shall be subject to automatic review by the Supreme Court of Florida. . ."

On January 2, 2018, Appellant filed a notice of appeal in this Court. However, since this is a capital case, Appellant's notice of appeal should have been filed in the Florida Supreme Court.

Florida Rule of Appellate Procedure 9.040(b)(1) provides that "If a proceeding is commenced in an inappropriate court, that court shall transfer the cause to an appropriate court." Thus, this Court should transfer this case to the Florida Supreme Court.

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Motion to Transfer Case to the Florida Supreme Court has been furnished via email to Kenneth L. Brooks Jr, Esq, kbrooks@brooks-

RECEIVED 01/29/2018 12:30 pm FLORIDA SUPREME COURT  
RECEIVED, 1/10/2018 11:45 AM, Kristina Samuels, First District Court of Appeal

warrick.com; Jonathan Schlechter, JSchlechter@ao01.org, State  
Attorney; this 10th day of January, 2018.

/s/ Jennifer A. Donahue

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