

IN THE SUPREME COURT OF FLORIDA

SHAWN ROGERS, :
 :
Appellant, :
 :
v. : **CASE NO.: SC18-150**
 :
STATE OF FLORIDA, :
 :
Appellee. :
_____ /

MOTION FOR EXTENSION OF TIME FOR FILING
INITIAL BRIEF

Appellant, SHAWN ROGERS, moves this Court for an order extending the time for filing the Initial Brief in this case, and as grounds, states:

1. Appellant's Initial Brief is currently due for filing on July 12, 2018. No extensions of time have previously been sought in the present case.

2. Over the course of 2017, Assistant Public Defenders W.C. McLain, David A. Davis, and Nada M. Carey retired from the Second Judicial Circuit Office of Public Defender. For decades, those attorneys were primarily responsible for handling capital appeals in which the Second Judicial Circuit Office of Public Defender was appointed.

3. On April 3, 2018, this Court ordered the Initial Brief in *Deviney v. State*, SC17-2231, to be filed on or before July 9, 2018. A week later, the Second Judicial

Circuit Office of Public Defender was designated to handle that capital appeal, and the appeal was assigned to undersigned counsel. Undersigned counsel immediately began working on the *Deviney* case.

4. On April 10, 2018, this Court ordered the Initial Brief in the present case to be filed on or before July 12, 2018. A week later, the Second Judicial Circuit Office of Public Defender was designated to handle that capital appeal, and the appeal was also assigned to undersigned counsel.

5. The record in the *Deviney* case exceeded 7700 pages. On June 26, 2018, undersigned counsel filed the Initial Brief in that case. The 89-page brief addressed six issues, including three complex federal constitutional issues.

6. The record in the present case exceeds 7100 pages. And Appellant proceeded *pro se* in the court below.

7. Since June 26, 2018, undersigned counsel has reviewed approximately 5500 pages of the record in the present case. Undersigned counsel has also identified various issues that may require briefing.

8. However, undersigned counsel needs additional time to completely review the record. Undersigned counsel also needs additional time to research, analyze, and definitively identify the issues that require briefing. Finally, undersigned counsel needs additional time to draft an effective Initial Brief.

9. This motion is made in good faith and not for the purpose of unnecessary delay. Instead, to employ the requisite knowledge and skill in this complex and specialized matter, undersigned counsel needs to give the matter additional preparation and study. Consequently, an extension of time is essential to the competent representation of Appellant in this case. *See* Rule 4-1.1, Rules Regulating Florida Bar (2017).

6. Assistant Attorney General, Jennifer A. Donahue, has been contacted, and she has indicated that the State does not object to this motion.

WHEREFORE, Appellant requests an extension of 60 days, to and including September 11, 2018, within which to file the Initial Brief in this cause.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished electronically via the Florida Courts E-filing portal to Jennifer A. Donahue, Assistant Attorney General, Capital Appeals Division, The Capitol, PL-01, Tallahassee, FL, 32399-1050, on this 6th day of July, 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

COUNSEL FOR APPELLANT