

IN THE SUPREME COURT OF FLORIDA

SHAWN ROGERS, :

Appellant, :

v. :

CASE NO.: SC18-150

STATE OF FLORIDA, :

Appellee. :

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**MOTION FOR EXTENSION OF TIME FOR FILING MOTION FOR
REHEARING AND CLARIFICATION**

Appellant, SHAWN ROGERS, moves this Court for an order extending the time for filing a Motion for Rehearing and Clarification in this case, and as grounds, states:

1. This is a capital direct appeal.
2. Rule 9.330, Florida Rules of Appellate Procedure, provides: “A motion for rehearing [or] clarification . . . may be filed within 15 days of [a] decision of the court *or within such other time set by the court.*” Fla. R. App. P. 9.330(a)(1) (emphasis added).
3. On September 5, 2019, this Court issued its decision in this case. In that decision, this Court affirmed Mr. Rogers’ conviction and sentence of death.
4. Any motion for rehearing and clarification is currently due on September

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20, 2019.

5. On September 17, 2019, undersigned counsel is scheduled to present oral argument in *Deviney v. State*, SC17-2231, which is also a capital direct appeal.

6. Undersigned counsel has also been summoned for jury service on September 18, 2019.¹

7. Further, on October 2, 2019, undersigned counsel is scheduled to present oral argument in *Newberry v. State*, SC18-1133, which is also a capital direct appeal.

8. Since approximately September 5, 2019—the date on which this Court issued its decision in this case, undersigned counsel has been preparing for the September 17, 2019, oral argument in *Deviney*. Once that argument (and any jury service) is completed, undersigned counsel will need to prepare for the October 2, 2019, oral argument in *Newberry*. As a result, undersigned counsel will not have the necessary time to analyze, research, and draft an effective Motion for Rehearing and Clarification by September 20, 2019.

9. Undersigned counsel has reviewed this Court's September 5, 2019, decision. Based on that review, undersigned counsel believes that, in order to

¹ Undersigned counsel may ultimately be excused from jury service on September 18, 2019, but the clerk of court will not be able to inform undersigned counsel of any such excusal until the afternoon of September 17, 2019. Notwithstanding that possibility, undersigned counsel has been instructed by the clerk of court to make arrangements to be present for jury service on September 18, 2019.

competently represent Mr. Rogers, a Motion for Rehearing and Clarification needs to be filed.

10. In short, undersigned counsel needs additional time to review this Court's decision, as well as the briefs, in this case. Undersigned counsel also needs additional time to research, analyze, and definitively identify the points of law or fact that may have been overlooked or misapprehended, or that may simply need clarification. Finally, undersigned counsel needs additional time to draft an effective Motion for Rehearing and Clarification.

11. 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 the Florida Bar.

12. 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 20 days, to and including October 10, 2019, within which to file a Motion for Rehearing and Clarification 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, on this 12th day of September, 2019.

Respectfully submitted,

ANDY THOMAS
PUBLIC DEFENDER
SECOND JUDICIAL CIRCUIT

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