

IN THE SUPREME COURT OF FLORIDA

MARK D. SIEVERS, :

Appellant, :

vs. : Case No. SC20-0225

STATE OF FLORIDA, :

Appellee. :

_____:

MOTION TO TRANSMIT COLOR COPIES (OR, IF NOT FEASIBLE, ORIGINALS) OF 14 PHOTOGRAPHS (TRIAL EXHIBITS)

Appellant, MARK D. SIEVERS, moves this Court to direct the circuit court clerk to transmit accurate color copies of certain photographic exhibits if feasible, or if color copies are not feasible, to transmit the original photo exhibits. As grounds, Appellant states:

1. At issue in Appellant’s Initial Brief is the admission of gruesome autopsy photos, State Exhibits 115A-K at R2646-2656, that were not relevant to a disputed issue in the case. (Issue VIII)

2. The autopsy photos included in the record are poor copies scanned in greyscale, which do not accurately represent the exhibits shown to the jury. This Court cannot evaluate the prejudice without seeing the actual color photos.

3. Other photos were entered into evidence in the State’s case including crime scene photos of the victim’s body on the floor (Exh. 7A at R1921, 7G at 1927) and a professional-type headshot of the

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victim (R1905, St. Exh. 1) that are also poor copies scanned in greyscale in the electronic record. An accurate representation of these three photo exhibits is also necessary, as they are relevant to the issue.

4. Appellant requests that the parties also be provided color copies of the photos by the clerk.

5. Undersigned counsel has contacted opposing counsel, Assistant Attorney General Christina Pacheco, who does not object to the transmission of color copies of the photos but does object to transmission of the original photo exhibits.

WHEREFORE, Appellant, Mark Sievers, respectfully requests this Court to direct the circuit clerk to transmit color copies of State Trial Exhibits 1, 115A-K, 7A and 7G to this Court, if feasible, or if not feasible to transmit the original photo exhibits.

CERTIFICATE OF SERVICE

I certify that a copy has been served via the portal on Christina Pacheco at the Office of the Attorney General at christina.pacheco@myfloridalegal.com, cappapp@myfloridalegal.com, deborah.speer@myfloridalegal.com, paula.montlary@myfloridalegal.com on this 22nd day of March, 2021.

Respectfully submitted,

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