

IN THE SUPREME COURT OF FLORIDA

MARK D. SIEVERS, :

Appellant, :

vs. : Case No. SC20-225

STATE OF FLORIDA, :

Appellee. :

_____:

APPELLANT’S MOTION TO RELINQUISH JURISDICTION RE: NEW
EXCULPATORY EVIDENCE

Appellant, MARK D. SIEVERS, by and through counsel, hereby moves this Honorable Court to relinquish jurisdiction to the trial court for the purpose of conducting further proceedings on new evidence that has come to light during the pendency of this direct appeal. As grounds for this motion, Appellant states:

1. Mark Sievers’ conviction and death sentence rests solely on the testimony of his codefendant, Curtis Wright. A third codefendant, Jimmy Rodgers, was tried separately. Mr. Sievers does not know Mr. Rodgers.
2. During the pendency of this direct appeal, Mark Sievers’ mother received a letter from Mr. Rodgers. A copy of that letter is attached to this motion.
3. That letter indicates that Curtis Wright’s testimony concerning the circumstances of the murder was a lie and that Mark Sievers was not involved in a murder conspiracy with Mr. Wright.

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4. The letter presents new information that would have impacted the jury's consideration of the State's case against Mr. Sievers at both the conviction and penalty stages of the trial. The letter calls into doubt the entire premise of the State's case against Mr. Sievers.

5. The interests of justice require that further proceedings be conducted by the trial court so that the letter and its contents can be fully considered prior to this Court's final decision on the issues raised in this most serious of criminal cases, concerning matters of life and death.

WHEREFORE, Mark Sievers respectfully requests this Court to relinquish jurisdiction to the trial court for further proceedings to consider the new exculpatory evidence that has arisen in this case during the pendency of this direct appeal.

CERTIFICATE OF SERVICE

I certify that a copy has been served via e-mailed to Christina Pacheco at Christina.pacheco@myfloridalegal.com, and Paula.montlary@myfloridalegal.com and the Office of the Attorney General at cappapp@myfloridalegal.com, on this 8th day of November, 2021.

Respectfully submitted,

/s/Karen M. Kinney

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