

IN THE SUPREME COURT OF FLORIDA

STATE OF FLORIDA,
Appellant,

v.

HENRY P. SIRECI,
Appellee.

No. SC21-1467

L.T. No. 1976-CF-000532-A-O

Death Penalty Case

STATE’S REQUEST FOR ORAL ARGUMENT

Appellant, the State of Florida, hereby requests that the Court grant oral argument in this case. Fla. R. App. P. 9.320(d).

1. This is a capital case involving a murder that Appellee Henry Sireci committed more than four decades ago. At issue on appeal is whether the circuit court correctly ruled that Appellee and the State Attorney for the Ninth Judicial Circuit could enter into a “consent agreement” for postconviction DNA testing over the express objection of the Attorney General, who is designated by the Legislature to serve as “co-counsel of record” in capital collateral proceedings. § 16.01(6), Fla. Stat.

2. The parties agree that this is an issue of “first impression” involving the relationship between the Attorney General and the various State Attorneys in capital litigation, Ans. Br. 3, and the

Court's resolution of the case is likely to impact the administration of justice in Florida capital cases going forward.

3. Beyond the merits of the dispute, Appellee has also raised numerous jurisdictional and procedural arguments.

4. Appellee has agreed that oral argument would aid the Court. *See* Ans. Br. 3.

Wherefore, the State respectfully requests that the Court conduct oral argument in this case.

Dated: May 9, 2021

Respectfully submitted,

ASHLEY MOODY
Attorney General

/s/ Henry Whitaker
HENRY C. WHITAKER (FBN1031175)
Solicitor General

JEFFREY PAUL DESOUSA (FBN110951)
Chief Deputy Solicitor General
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399
(850) 414-3300
jeffrey.desousa@myfloridalegal.com
jenna.hodges@myfloridalegal.com

SCOTT BROWNE (FBN802743)
Chief Assistant Attorney General
Office of the Attorney General
Concourse Center 4
3507 Frontage Road, Suite 200
Tampa, Florida 33607
(813) 287-7900
scott.browne@myfloridalegal.com

Counsel for State of Florida

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished via the e-Filing Portal to the following on this **ninth** day of May 2022:

Julissa R. Fontán
Capital Collateral Regional
Counsel—Middle Region
12973 N. Telecom Parkway
Temple Terrace, FL 33637
(813) 558-1600
fontan@ccmr.state.fl.us
support@ccmr.state.fl.us

Nina Morrison
Innocence Project
40 Worth St., Suite 701
New York, NY 10013
212-364-5340
nmorrison@innocenceproject.org

Counsel for Appellee

/s/ Henry C. Whitaker
Solicitor General