

IN THE SUPREME COURT OF FLORIDA
CASE NO: SC23-1184

MARCUS ROLAND MAYE
Appellant

vs

STATE OF FLORIDA
Appellee.

_____ /

**FLORIDA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS'
UNOPPOSED MOTION FOR LEAVE OF COURT TO APPEAR AS
AMICUS CURIAE IN SUPPORT OF APPELLANT, AND MOTION
FOR EXTENSION OF TIME TO FILE AMICUS BRIEF.**

Pursuant to Florida Rule of Appellate Procedure 9.370(a), the Florida Association of Criminal Defense Lawyers (FACDL) moves this Court for leave to appear as amicus curiae and submit an amicus brief in support of Appellant, Marcus Roland Maye, in this appeal which argues Florida's Prison Release Reoffender (PRR) statute is unconstitutional.

FACDL is a non-profit, non-partisan bar organization whose members are current or former criminal defense lawyers practicing in Florida. We are the only statewide organization in Florida dedicated solely to the criminal defense lawyer. We seek to be a unified voice in improving the criminal justice system by promoting excellence,

integrity, and the independence of the criminal defense lawyer while ensuring the protection of the rights of individuals. Our members regularly handle cases where the State seeks the PRR enhancement and represent many clients who are imprisoned serving sentences enhanced via the PRR statute.

FACDL believes that the PRR statute is unconstitutional, and that individuals serving PRR sentences are serving illegal sentences and are entitled to be resentenced. FACDL's amicus committee has voted to seek to participate in this case as amicus to express our views to the Court.

Undersigned counsel has spoken to counsel for both Appellant and Appellee and both have stated they consent to FACDL being granted leave to file an amicus brief. FACDL moves this Court for leave to do so.

FACDL also requests that this Court grant an extension of time for 30 days (until August 30, 2024) to file the amicus brief. This will give the organization time to draft and circulate the brief for organizational approval. Such a schedule would not impact the timing of the Court considering and ruling this case, which would not be done until at least the merits Answer Brief and Reply Brief are filed. Florida Rule of Appellate Procedure 9.370(c) permits such extensions.

WHEREFORE, the Florida Association of Criminal Defense Lawyers moves this Court for leave to appear as amicus curiae in support of Appellant in this case, and for an extension of time of 30 days to submit an amicus brief in support of Appellant.

Respectfully submitted,

/s/ Daniel Tibbitt
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was efiled with the Supreme Court of Florida, and a copy served via email to William Ponall, counsel for Appellant at bponall@ponalllaw.com, on counsel for Appellee Assistant Attorney General Pamela Koller at Pamela.Koller@myfloridalegal.com, and on all other persons registered for e-service, this 31st day of July, 2024.

/s/ Daniel Tibbitt
Daniel Tibbitt