

PROVIDED TO MAYO CORRECTIONAL INSTITUTION  
ON (DATE) FOR MAILING  
(STAFF INITIAL) (I/M INITIAL)

IN THE SUPREME COURT OF FLORIDA

MARCUS ROLAND MAYE,

Petitioner,

Case No. SC2023-1184

STATE OF FLORIDA,

Respondent.

Received, Clerk, Supreme Court

SEP 10 2024

**MOTION FOR A VERY BRIEF EXTENSION OF TIME TO SERVE  
AMICUS CURIAE BRIEF DUE TO "EXTENUATING CIRCUMSTANCES"**

In accordance with Florida Rule of Appellate Procedure 9.300 and 9.370(c), I, Roger C. Cassidy, pro se, respectfully move this Court for a *very brief* 2-day extension of time, up to and including September 10, 2024, to serve my amicus curiae brief in support of the petitioner, Marcus Roland Maye (Maye), due to "extenuating circumstances" that are out of my control, and I state the following in support thereof:

1. My amicus curiae brief in support of Maye is currently due to be served by September 6, 2024, Order at 1, Marcus Roland Maye v. State of Florida, No. SC2023-1184 (Fla. Aug. 21, 2024), but I **cannot** prepare and serve it by then because I am currently incarcerated by the Florida Department Corrections (FDC) at the Mayo C.I. Annex in Mayo, Florida,

and because two days of restricted movement on the institutional compound during an already – holiday – shortened work-week has prevented me from being unable to access the prison law library to prepare and then serve my amicus curiae brief in support of Maye in a timely manner.<sup>1</sup>

2. I believe that these facts constitute “extenuating circumstances” that are out of my control warrant the granting of this motion for a brief 2-day extension of time, up to and including September 10, 2024, to serve my amicus curiae brief in support of Maye. Daniels v. State, 892 So. 2d 526, 527 (Fla. 1st DCA 2004) (finding that an inmate’s “need to schedule time in the prison law library and to obtain the assistance of an inmate law clerk” stated “good cause” for an enlargement of time); see also United States v. Rhodes, 2017 U.S. Dist. LEXIS 229121, at \*1-2 (M.D. Fla. Feb. 13, 2017) (finding that institutional prison lockdown constituted “good cause”); Fuller v. United States, 2023 U.S. Dist. LEXIS 54291, at \*2-3 (S.D. Ga. Mar. 29, 2023) (concluding that the delay caused by a facility being on lockdown demonstrates “good cause” for the untimely filing of the inmate’s notice of appeal); United States v. Wehry, 848 F. App’x 64, 64 n.1 (3d Cir.

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<sup>1</sup> This FDC facility is notorious for senseless violence against staff and inmates. See, e.g., Bell v. State, 336 So. 3d 211, 212-13 (Fla. 2022); Buck v. State, 335 So. 3d 221, 222 (Fla. 1st DCA 2022); Noetzel v. State, 328 So. 3d 933, 936-37 (Fla. 2021).

2021) (recognizing that the federal district court had "determined that [the inmate] showed good cause for the delay due to the lockdown at his prison"); Britt v. United States, 2013 U.S. Dist. LEXIS 174472, at \*6-7 (S.D. Ala. Dec. 6, 2013) (acknowledging the inmate's assertion that "extended periods of prison lockdown prevented him from using the prison law library" and thus constituted "good cause"); Narramore v. Dir., Tex. Dep't of Crim. Just., 2009 U.S. Dist. LEXIS 115326, at \*6 (E.D. Tex. Dec. 10, 2009) ("this Court is of the opinion that a lockdown is a sufficiently extraordinary circumstance that it would be unduly harsh to bar the [inmate] from having his case considered on the merits because his petition was one to three days late because of the lockdown"); Todd v. Lamarque, 230 F. App'x 672, 678 (9th Cir. 2007) (noting that the federal district court found "good cause" where the inmate "represent[ed] that he was frequently under 'lock-down' due to staffing shortages at the prison"); Bennett v. King, 205 F.3d 1188, 1189 (9th Cir. 2000) (reversing district court's dismissal of prisoner's amended pro se complaint as untimely where mere 30-day delay was result of prison-wide lockdown).

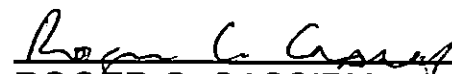
3. I also believe that the granting of a *very brief* 2-day extension of time will not prejudice the parties because (a) Maye has already filed his initial brief, Petitioner's Initial Brief on the Merits at 1-31, Marcus Roland

Maye v. State of Florida, No. SC2023-1184 (Fla. Jul. 22, 2024), (b) the FACDL has already filed its amicus curiae brief in support of Maye, Brief Amicus Curiae Florida Association of Criminal Defense Lawyers at 1-24, Marcus Roland Maye v. State of Florida, No. SC2023-1184 (Fla. Aug. 23, 2024), and (c) the State of Florida's answer brief is currently due to be filed on or before September 20, 2024, Order at 1, Marcus Roland Maye v. State of Florida, No. SC2023-1184 (Fla. Aug. 22, 2024).

**WHEREFORE**, I pray that this Court will grant me a *very brief* 2-day extension of time, up to and including September 10, 2024, to serve my amicus curiae brief in support of Maye.

Respectfully submitted,

ROGER C. CASSIDY

  
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*Amicus Curiae in Support of  
Petitioner Marcus Roland Maye*

**VERIFICATION**

**UNDER THE PENALTIES OF PERJURY**, I hereby declare that I have read this motion and that the facts stated in it are true and correct.  
§ 92.525, Fla. Stat. Executed on September 6, 2024.

  
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ROGER C. CASSIDY

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of this motion was, in fact, served on counsel for the parties and the other amicus curiae:

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via prepaid first-class mail on September 6, 2024.

  
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ROGER C. CASSIDY