

DOCKET NO. _____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2019

BRETT A. BOGLE,

Petitioner,

vs.

STATE OF FLORIDA,

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Counsel for Petitioner, **BRETT A. BOGLE**, asks leave of this Court to allow Mr. Bogle to proceed **in forma pauperis** in this proceeding.

Mr. Bogle was found indigent by the state courts in Florida and was allowed to proceed **in forma pauperis**. In the most recent state court proceedings, Mr. Bogle received the services of state paid counsel appointed pursuant to §27.710, Fla. Stat. See attachment.

Pursuant to the Court's Rule 39, counsel respectfully requests Mr. Bogle be allowed to proceed **in forma pauperis**.

I HEREBY CERTIFY that a true copy of the foregoing motion has been furnished by United States Mail, first class postage prepaid, to Marilyn Beccue, Assistant Attorney General, Office of the Attorney General Concourse Center Rd., 3507 E. Frontage Rd., Tampa, FL 33607, on July 10, 2020.

/s/ Todd G. Scher
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COUNSEL FOR PETITIONER

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
Criminal Justice and Trial Division**

STATE OF FLORIDA

CASE NO.: 91-CF-012952

v.

**BRETT BOGLE,
Defendant.**

DIVISION: J

**ORDER GRANTING MOTION TO WITHDRAW AND FOR THE APPOINTMENT OF
COUNSEL AND ORDER APPOINTING CAPITAL COLLATERAL REGISTRY
ATTORNEY**

THIS MATTER came before the Court on postconviction counsel Lynda McDermott's motion to withdraw and for the appointment of counsel, filed on February 24, 2020. The Court held a telephonic hearing on March 24, 2020. The Court finds as follows.

Ms. McDermott asserts she has accepted and commenced employment with the Office of the Federal Public Defender for the Northern District of Florida, and requests that the Court allow her to withdraw from further representation in this cause. Ms. McDermott also requests that the Court appoint capital collateral registry attorney Todd G. Scher, Esquire, an experienced capital attorney who is familiar with the issues pending before this Court and the sensitive time frames in this cause. Ms. McDermott further asserts she has spoken with both Defendant and Mr. Scher, and Mr. Scher is available to accept appointment.

During the March 24, 2020, hearing, the State did not object or provide argument, and the Court reserved ruling on Ms. McDermott's motion until further confirmation from Mr. Scher. Mr. Scher has since confirmed that he is available to accept appointment to represent Defendant in this cause.

It is therefore **ORDERED AND ADJUDGED** that Ms. McDermott's motion to withdraw and for the appointment of counsel is hereby **GRANTED**. Ms. McDermott is **WITHDRAWN** from further representation in the above-styled cause, and capital collateral registry attorney Todd G. Scher, Esquire, is hereby **APPOINTED** to represent Defendant in his state postconviction proceedings and related appeals.

DONE AND ORDERED in Chambers in Hillsborough County, Florida this ____ day of March, 2020.

Electronically Conformed 4/1/2020 _____
MICHELLE SISCO, Circuit Judge
Michelle Sisco

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this order has been furnished to Linda McDermott, Esquire, 20301 Grand Oak Blvd., Suite 118-61, Estero, FL 33334, by U.S. mail; Brett Bogle, DC# 110365, Union Correctional Institution, Post Office Box 1000, Raiford, FL 32083, by U.S. mail; Jay Pruner, Esquire, Office of the State Attorney, 419 Pierce Street, Tampa, FL 33602, by inter-office mail; and to Timothy A. Freeland, Esquire, Office of the Attorney General, 3507 E. Frontage Road, Suite 200, Tampa, FL 33607, by U.S. mail; Todd Scher, Esquire, Law Office of Todd G. Scher, P.L., 1722 Sheridan St., # 346, Hollywood, FL 33020-2275, by U.S. mail, on this _____ day of _____, 2020.

Clerk of Court