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**MEMO**

**DATE:** **April 12, 2022**

**FROM:** **Michael Salnick**

**TO:** **Clerk of Court**

**RE:** **No: 21-1339**

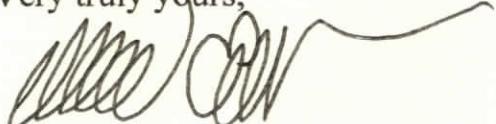
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Thank you for speaking with my partner, Lisa Viscome. Our office represents Mr. Carlton Nebergall in the above reference matter. On March 16, 2020, Mr. Nebergall was convicted after a jury trial of manslaughter with a firearm. On December 22, 2021, the Florida Fourth District Court of Appeal issued a Per Curiam affirmance of his judgment and sentence. Because Mr. Nebergall was convicted during the nation-wide shutdown due to the Coronavirus we believed this case created an issue of first impression and of great public importance. On January 1, 2022, we filed a motion for written opinion with the Florida Fourth District Court of Appeal so that Mr. Negergall could have a full and fair review of his judgement and sentence. Our motion for written opinion was docketed by the Fourth District Court of Appeal as a “Motion for Rehearing.” On January 11, 2022, the Florida Fourth District Court of Appeal denied our motion for written opinion. The denial of our motion for written opinion was docketed by the clerk of the Fourth District Court of Appeal on January 11, 2022 as: ORD-Denying

Rehearing. The Fourth District Court of Appeal accepted and denied our motion for written opinion as a motion for rehearing. As a result we counted the due date accordingly. We used the January 11, 2022, date to calculate the 90 days to file a Writ of Certiorari to the United States Supreme Court, which would have made our due date April 11, 2022. We filed the writ on April 6, 2022.

On April 8, 2022, we received a letter from your office that our petition for writ of certiorari was due on March 22, 2022, and was filed with a notation as to its untimeliness. Due to the fact that the Fourth District Court docketed our motion for written opinion as a motion for rehearing we respectfully request that our petition for writ of certiorari be accepted as timely filed.

Very truly yours,



Michael Salnick