

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D16-4672

RALPH MONROE,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition for Writ of Certiorari – Original Jurisdiction.

October 18, 2018

ON REMAND FROM THE FLORIDA SUPREME COURT

PER CURIAM.

This case is on remand from the Florida Supreme Court which quashed our prior decision in this case and directed reconsideration of this case in view of its recent decision in *Andrews v. State*, 243 So. 3d 899 (Fla. 2018).

In *Andrews*, the Florida Supreme Court held that an indigent defendant who is represented by private counsel proceeding pro bono is “entitled to file motions pertaining to the appointment and costs of experts, mitigation specialists, and investigators ex parte and under seal, with service to the Justice Administrative Commission and notice to the State Attorney’s Office, and to have any hearing on such motion ex parte, with only the defendant and the Commission present.” *Id.* at 902.

Accordingly, the petition for a writ of certiorari is granted. This cause is remanded to the trial court with the directions that Petitioner Monroe be allowed to file motions for appointment of experts and for approval of costs ex parte and under seal with service to the Justice Administration and notice of such filings to the Office of the Attorney General and that any hearing on an ex parte motion be heard with only the Petitioner and the Commission in attendance.

Petition granted, and the cause remanded with directions.

LEWIS, ROBERTS, and BILBREY, JJ., concur.

Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.

Michael Ufferman, Tallahassee, for Petitioner.

Pamela Jo Bondi, Attorney General, and Trisha Meggs Pate, Tallahassee Bureau Chief, Criminal Appeals, Tallahassee, for Respondent.