

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
CRIMINAL FELONY DIVISION

STATE OF FLORIDA

CASE NO.: 10-CF-18429

v.

DIVISION: TR-3

MICHAEL EDWARD KEETLEY,
_____ /

MOTION TO WITHDRAW

COMES NOW, undersigned counsel for Michael Keetley, and files this Motion to Withdraw as Counsel of record and in support thereof states as follows:

1. Michael Keetley is charged with two counts of first degree murder and four counts of attempted first degree murder. If Mr. Keetley is convicted of first degree murder the State of Florida is seeking the death penalty.

2. In November 2014, Mr. Keetley was declared indigent for costs.

3. These charges arise out of a shooting which occurred in the early morning hours of November 25, 2010. A white male, driving a minivan drove up to 604 Ocean Mist Court in Ruskin. Six Hispanic males, the alleged victims in this case, had been playing cards, drinking, and some had been using drugs for several hours. The white male, wearing a black t-shirt with Sheriff written across it in white or gold letters and armed with a long black gun, allegedly approached the young man, asked for someone named "Creep" and subsequently began shooting. After the shooting the male fled the scene in the minivan. As a result of the shooting, two of the victims died, and four were seriously injured. One individual remained unharmed. The police arrested Mr. Keetley on December 2, 2010, after a few days of investigation based on the identification of one of the victims and a ballistics "match" of a projectile and shell casing found

during the search of Mr. Keetley's home to projectiles and casings found at the crime scene. Prior to his arrest on this matter Mr. Keetley had no prior criminal record.

4. In April 2011, undersigned counsel was retained by Mr. Paul Carr to assist him in the first phase preparation of this case. Undersigned was paid \$75,000 for the described representation.

5. From the beginning of undersigned's representation, undersigned conducted the majority of the work involved with first phase issues. Undersigned has set all of the depositions of the State's witnesses and conducted the vast majority of those depositions. Undersigned has prepared, conducted evidentiary hearings, and arguments on most of the innocence phase pre-trial motions.

6. Even though undersigned's scope of representation did not include second phase issues, undersigned also gathered evidence of mitigation.

7. As has been stated repeatedly undersigned cannot competently represent Mr. Keetely effectively in the preparation and potential defense of both phases.

8. Mr. Carr, now deceased, was terminated as lead counsel for Mr. Keetley on June 30, 2016, based his privately disclosed medical problems.

9. On April 24, 2017, this Court granted undersigned's request for the Court to appoint penalty phase counsel and appointed the Office of the Public Defender as penalty phase counsel. The Office of the Public Defender appealed the Court's Order.

10. Even though it was outside the scope of undersigned's representation and experience, undersigned, with the assistance of outside counsel, defended the Court's Order on appeal. Undersigned presented oral argument in support of the Court's Order on behalf of Mr. Keetley

before the Second District Court of Appeal. Undersigned is not an appellate lawyer and normally does not handle appeals. It should be noted that undersigned was the only party arguing in support of the Court's Order on behalf of Mr. Keetley as both the Attorney General's Office and the Public Defender argued against it.

11. On June 20, 2018, the Appellate Court dismissed the Public Defender's petition.

12. The Office of the Public Defender requested the Supreme Court to review the matter.

13. On December 20, 2018, the Supreme Court accepted jurisdiction and entered a briefing schedule. (Ex. A).

14. Undersigned cannot continue to represent Mr. Keetley in this matter. As stated earlier, not only is this appellate issue outside the scope of representation, but additionally undersigned is not an appellate lawyer and does not feel competent to handle this important matter before the Supreme Court of Florida.

15. Undersigned's withdrawal from this case will enable the Court to appoint the Office of the Public Defender as lead counsel which will render the appellate issue moot and allow this case to proceed to trial sooner rather than later.

16. Allowing undersigned to withdraw now is the most judicious way to address this ongoing issue. In the event that the Supreme Court overturns this Court's Order appointing penalty phase counsel, undersigned will have to withdraw because she cannot render effective representation as to both phases.

17. This Motion is filed with a heavy heart. Undersigned has represented Mr. Keetley for almost eight years and had every intention of seeing this matter to its end. However, it is in his

best interest for this case to move forward as he has been incarcerated in isolation since December 2, 2010. Due to the amount of the bond set by this Court, Mr. Keetley remains incarcerated. This incarceration has taken a toll on him as it would on anyone. It is in his best interest to have two lawyers representing him and to have this case tried sooner rather than later.

WHEREFORE, Lyann Goudie respectfully requests that this Court enter an order Granting her Motion to Withdraw and appointing the Office of the Public Defender to represent Mr. Keetley as lead and penalty phase counsel.

Respectfully submitted,

/s/ Lyann Goudie, Esquire

Lyann Goudie, Esq.
Florida Bar No. 7897811

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Motion to Withdraw as Counsel was served by electronic mail to the Office of the State Attorney at lmailprocessingstaff@sao13th.com; pruner_j@sao13th.com; stapleton_a@sao13th.com; Public Defender's Office at holtj@pd13.state.fl.us, on this 2nd day of January, 2018.

Respectfully submitted,

/s/ Lyann Goudie, Esquire

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Attorneys for **MICHAEL E. KEETLEY**

Supreme Court of Florida

THURSDAY, DECEMBER 20, 2018

CASE NO.: SC18-1171

Lower Tribunal No(s):
2D17-2157; 292010CF018429000AHC

JULIANNE M. HOLT, ETC.

vs.

MICHAEL EDWARD KEETLEY,
ET AL.

Petitioner(s)

Respondent(s)

The Court accepts jurisdiction.

Petitioner's brief on the merits shall be served on or before January 9, 2019; respondent's brief on the merits shall be served twenty days after service of petitioner's brief on the merits; and petitioner's reply brief on the merits shall be served twenty days after service of respondent's brief on the merits.

The Clerk of the Second District Court of Appeal shall file the record which shall be properly indexed and paginated on or before February 18, 2019. The Clerk may provide the record in the format as currently maintained at the district court, either paper or electronic.

CANADY, C.J., and LEWIS, POLSTON, LABARGA, and LAWSON, JJ., concur.

The Court dispenses with oral argument pursuant to Florida Rule of Appellate Procedure 9.320.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



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Served:

JENNIFER SPRADLEY

CAROLINE JOHNSON LEVINE

LYANN GOUDIE

HON. JULIANNE M. HOLT, PUBLIC DEFENDER

HON. MARY BETH KUENZEL, CLERK