

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

**UNITED STATES OF AMERICA,  
Appellee,**

**vs.**

**Appeal No. 17-15470**

**CORRINE BROWN,  
Appellant.**

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**CERTIFICATE OF INTERESTED PERSONS  
AND CORPORATE DISCLOSURE STATEMENT**

Pursuant to Eleventh Circuit Rule 26.1-1, I hereby certify that the following named persons are parties interested in the outcome of this case:

Birk, Edward L. – Counsel for Graham Media Group, Florida, Inc.

Brown, Corrine – Defendant/Appellant

Brown, Shantrel – Movant

CA Florida Holdings, Inc. - Movant

Conner, Timothy J. – Counsel for CA Florida Holdings, Inc. & Multimedia Holdings Corporation

Coolican, Michael – Assistant United States Attorney

Cox Media Group Jacksonville – Movant

Corrigan, Hon. Timothy J. – United States District Judge

DeMaggio, Bryan E. – Counsel for Brown, terminated

Duva, Andrew Tysen – Assistant United States Attorney

Fugate, Rachel E. – Counsel for Cox Media Group Jacksonville

Glober, Bonnie Ames – Assistant United States Attorney

Graham Media Group, Florida Inc. – Movant

Handberg, Roger Bernard, III – Assistant United States Attorney

Hass, David L. – Counsel for Brown, terminated

Kachergus, Matthew R. – Counsel for Brown, terminated

Kent, William Mallory – Appellate Counsel for Brown

Klindt, Hon. James R. – United States Magistrate Judge

Mansfield, Jennifer A. – Counsel for Multimedia Holdings Corporation &  
CA Florida Holdings, Inc.

Multimedia Holdings Corporation - Movant

NeJame, Mark E. – Counsel for Defendant Brown, terminated

Olshan, Eric – Counsel for DOJ, Public Integrity Section

Robinson, Sue-Ann N. – Counsel for movant, Shantrel Brown

Simmons, Elias – Co-defendant

Simpson, Allison Kirkwood – Counsel for Cox Media Group Jacksonville

Sheppard, William J. – Counsel for Brown, terminated

Smith, Daniel Austin – Counsel for Co-defendant, terminated

Smith, James Wesley, III – Trial Counsel for Defendant Brown

Suarez, Anthony – Counsel for Co-defendant

Walker, Samuel A. – Trial Counsel for Brown

White, Elizabeth Louise – Counsel for Brown, terminated

Wilkison, Jesse B. – Counsel for Brown, terminated

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**APPELLANT BROWN'S MOTION TO EXCEED WORD COUNT  
(POSITION OF GOVERNMENT NOT KNOWN)**

Comes now the Appellant, CORRINE BROWN ("Brown"), by and through the undersigned counsel, to move this Honorable Court for permission to file an initial appeal brief that exceeds the word count as prescribed in FRAP 27.

In support of this motion, Brown states as follows:

The current version of Rule 27 limits the permitted word count for an appellant's initial appeal brief to 13,000 words. The brief that appellant Brown has prepared to file is 16,352 words. The brief raises an important issue of first impression in this and any circuit, whether the district court erred in dismissing a juror during deliberations in a criminal trial based solely on the juror's having prayed for guidance and having believed that he received guidance from the Holy Spirit in reaching his verdict. As the district court agreed, it is well settled that jurors may pray for guidance in their deliberations. What is undecided is whether a juror may

consider the guidance he believes he receives in response to his prayers.

Only one reported decision has been found in all of reported American appellate decisions, a decision from the Utah Supreme Court, and that decision on more concerning facts than the instant appeal, found that it was error to upset a verdict on the basis of a juror having prayed for guidance and then acted on the juror's belief that God had provided guidance in how to vote.

Brown's initial appeal brief addresses the issue from several perspectives, including whether the district court was permitted to inquire of the juror at all based on the limited information that the inquiry was based on, whether the inquiry violated Rule 606(b), of the Federal Rules of Evidence, whether the inquiry violated sound policy irrespective of Rule 606(b), whether the district court's findings were supported by the record, whether the dismissal of the juror violated the juror's First Amendment right of freedom of religion, whether the dismissal of the juror violated the First Amendment Establishment clause, and if so whether the defendant's rights to a jury empaneled without invidious Constitutional discrimination was thereby violated, whether the Religious Freedom Restoration Act of 1993 was violated and whether the dismissal of the juror violated the defendant's Sixth Amendment right to a unanimous verdict.

The defendant in this case was a former twelve term Congresswoman who lost

her seat in Congress when the Government announced her indictment less than a month before her election. The case created considerable public controversy as did the dismissal of the juror.

At least two amici, a group of Christian ministers and the Florida Association of Criminal Defense Attorneys, will be requesting permission to file amicus briefs with this Court in support of the defendant's position. The Government has advised that it will not oppose the filing of the proposed amicus briefs.

Counsel for Brown has consulted with Assistant United States Attorney David Rhodes to inquire of the Government's position with respect to this request (the Government previously did not oppose a request to exceed the word count in appellant Brown's motions for release pending appeal with this Court and such request was granted by this Court), but the Government was undecided what position it would take with this request but AUSA Rhodes advised the Government would decide after reviewing the request.

Wherefore, the Appellant, CORRINE BROWN, respectfully requests that this Honorable Court grant this motion and allow the filing of an initial appeal brief that exceeds the word count permitted under FRAP 27, that is, a brief of approximately 16,352 words.

Respectfully submitted,

KENT & McFARLAND  
ATTORNEYS AT LAW

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT,  
TYPEFACE REQUIREMENTS AND TYPE-STYLE REQUIREMENTS

This document complies with the word limit of Fed. R. App. P 27(d)(2)(A) because this document contains 790 words. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) as the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Time Romans 14 point font.

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/William Mallory Kent  
William Mallory Kent