

**IN THE CIRCUIT COURT, EIGHTEENTH  
JUDICIAL CIRCUIT, IN AND FOR  
BREVARD COUNTY, FLORIDA**

**CHRISTOPHER GIVENS,  
Petitioner,**

**vs.**

**Case Number 05-2002-CF-64383-AXXX**

**STATE OF FLORIDA,  
Respondent.**

\_\_\_\_\_ /

**GIVENS’S NOTICE OF SUPPLEMENTAL AUTHORITY IN  
SUPPORT OF REMEDY FOR INEFFECTIVE ASSISTANCE OF  
COUNSEL LEADING TO REJECTION OF PLEA OFFER**

COMES NOW CHRISTOPHER GIVENS (hereinafter “Givens” or the “Defendant,”) by his undersigned counsel, and files this notice of supplemental authority in support of the argument that Givens is entitled to specific performance of the rejected plea offer as a remedy for the ineffective assistance of counsel which led to his rejection of that plea offer. In support of this proposition, Givens cites *Williams v. Jones*, \_\_\_ F.3d \_\_\_, 2009 WL 3284847 (10<sup>th</sup> Cir. 2009) (*en banc*), (holding that right to retrial is an inadequate remedy for ineffective assistance of

counsel resulting in rejection of a plea offer).<sup>1</sup>

Respectfully submitted,

THE LAW OFFICE OF  
WILLIAM MALLORY KENT

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<sup>1</sup> The United States Supreme Court wanted to address this issue during its 2007-08 term, but the case in which it granted review was mooted. See *Arave v. Hoffman*, 552 U.S. 117 (2008).

## **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished to the Office of the State Attorney, 2725 Judge Fran Jamieson Way, Building D, Viera, Florida 32940, attention, Russell K. Bausch, Esq. and Susan Stewart, Assistant State Attorneys, by First Class United States Mail, this 21<sup>st</sup> day of October, 2009.

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William Mallory Kent