

THE UNDERSIGNED person deposes and says that he was he was alerted his internet service went off at his office at 11:07 p.m. on April 26, 2021. At that time, Appellant's Petition for Certiorari was saved to the computer from the cloud-based OneDrive application provided by Microsoft. (Exhibit 1). That same exhibit illustrates all materials related to the filing, including the Appendix had been completed before 6:00 p.m. The Petition's draft was essentially done at 3:16 p.m.; and was being addressed for scrivener errors at 11:07 p.m. (Exhibit 2-Screenshot of Brief).

Attempts to upload the Petition and the associated documentation from that point forward were unsuccessful. The internet was not working. At 1:09 a.m. on April 27, 2021, the undersigned managed to send three documents to himself to be used as exhibits in this Certificate of Technical Difficulties via email. (Exhibit 3-Email of Exhibits). The undersigned used his phone to edit the exhibits. The exhibits were made by printing each screen to the computer. The office internet was still preventing the uploading of the Petition at 1:58 a.m. Based on the inability to successfully upload on April 26th, the undersigned went home.

The undersigned has been preparing this Certificate to accompany the Petition and the Appendix. This certificate was created pursuant to the rules regulating the nascent E-filing system. It is the contention of Plaintiff that this certificate shows the Petition for Certiorari was timely, if not for the technical issues related to the internet. Plaintiff prays the Court will give consideration to same.

s/Donald L. Smith
Donald L. Smith, (Bar No. 6699)