

IN THE SUPREME COURT OF FLORIDA

GARY RAY BOWLES

Appellant,

CASE NO.: SC19-1184

vs.

STATE OF FLORIDA

EXECUTION SCHEDULED FOR
AUGUST 22, 2019 At 6:00 P.M.

Appellee.

APPELLANT'S MOTION TO STRIKE UNAUTHORIZED PLEADING

On August 6, 2019, Appellant filed a reply brief to the State's answer brief as instructed by this Court's June 12, 2019 order. On August 7, 2019 the State filed a document entitled, "State's Clarification of its Position."

Appellant requests that this Court strike the "State's Clarification of its Position" as the motion was not solicited or authorized by this Court or the Rules of Appellate Procedure. Additionally, the State's filing contains legal argument not contemplated by the Rules of Appellate Procedure,¹ to which the Appellant does not have the opportunity to respond as of right or pursuant to this Court's written order. Appellant would request either the opportunity to respond to the Appellee's

¹ The State's filing does not, for example, purport to provide the Court with notice of supplemental authority pursuant to Fla. R. App. P. 9.225, or even request an avenue of relief.

filing, or that the Court strike the State's unauthorized filing and rely upon the record on appeal and the authorized filings of both the Appellant and Appellee.

Respectfully submitted,

/s/ Karin Moore

Karin Moore

/s/ Terri Backhus

Terri Backhus

/s/ Elizabeth Spiaggi

Elizabeth Spiaggi

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service to Terri Backhus, Chief, Capital Habeas Unit, Federal Public Defender for the Northern District of Florida (terri_backhus@fd.org); Bernie de la Rionda (bdeklarionda2@gmail.com); Assistant State Attorney Sheila Ann Loizos (sloizos@coj.net); Assistant Attorney General Jennifer A. Donahue (jennifer.donahue@myfloridalegal.com), Assistant Attorney General Charmaine Millsaps (Charmaine.millsaps@myfloridalegal.com), (capapp@myfloridalegal.com), the Circuit Court of the Fourth Judicial Circuit (pfields@coj.net), and the Florida Supreme Court (warrant@flcourts.org) this 8th day of August, 2019.

/s/Terri Backhus

TERRI BACKHUS

Florida Bar No. 946427

Chief, CAPITAL HABEAS UNIT

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