Filing # 93856992 E-Filed 08/08/2019 11:20:22 AM

RECEIVED, 08/08/2019 11:21:33 AM, Clerk, Supreme Court

IN THE SUPREME COURT OF FLORIDA

GARY RAY BOWLES

Petitioner, **CASE NO.: SC19-1264**

vs.

MARK S. INCH,
Secretary, Fla. Dept. of Corr.

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

Respondent.
_____/

PETITIONER'S MOTION TO STRIKE UNAUTHORIZED PLEADING

On August 6, 2019, Petitioner filed a reply brief to the State's response to Petitioner's Petition for Writ of Habeas Corpus as instructed by this Court's July 26, 2019 order. On August 7, 2019 the State filed a document entitled, " State's Clarification of its Position."

Petitioner 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 Petitioner does not have the opportunity to respond as of right or pursuant to this Court's written order. Petitioner would request either the opportunity to respond to the

[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.

State's filing, or that the Court strike the State's unauthorized filing and rely upon the authorized filings of both the Petitioner and Respondent.

Respectfully submitted,

/s/ *Karin Moore*	/s/ *Terri Backhus*	/s/*Elizabeth Spiaggi*
Karin Moore	Terri Backhus	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 (bdelarionda2@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
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