

IN THE SUPREME COURT OF FLORIDA

CITY OF TALLAHASSEE, FLORIDA
et. al.,

Petitioners,

vs.

Case No.: SC21-651
DCA Case No.: 1D20-2193

FLORIDA POLICE BENEVOLENT
ASSOCIATION, INC., JOHN DOE 1,
AND JOHN DOE 2.

Respondents.

_____ /

MOTION TO STRIKE

Respondents move to strike Sheriff Bob Gualtieri’s “Notice of Intent to File an Amicus Brief”. This motion is made on the authority of Rule 9.370(d) and Rule 9.300.

1. Pursuant to Rule 9.370(d): When a party has invoked the discretionary jurisdiction of the supreme court, an amicus curiae may file a notice with the court indicating its intent to seek leave to file an amicus brief on the merits should the court accept jurisdiction.

RECEIVED, 05/14/2021 02:03:31 PM, Clerk, Supreme Court

2. Rule 9.370(d) instructs a filer in that position: “The notice shall state briefly why the case is of interest to the amicus curiae, but shall not contain argument.”

3. The Sheriff’s Notice is almost entirely argumentative. The Notice opens with a legal argument about the language of the Florida Constitution. The Notice ultimately argues that the District Court “misconstrued the plain text of Marsy’s Law by expanding it...”. Reading the Notice’s two substantive paragraphs, the initial and larger paragraph is merely a mini brief or a reflection of the Sheriff’s legal position.

4. The Sheriff’s Notice is improper based on the language of Rule 9.370(d). The Notice should be stricken.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been filed using the Florida ePortal system and **electronic** service has been directed to:

Shannon Lockheart, slockherart@pcsonet.com
Paul Rozelle, prozelle@pcsonet.com

...as well as all other counsel listed on the Florida ePortal system (including all alternate email addresses) on this fourteenth (14th) day of May, 2021.

Respectfully submitted;

/s/ Luke Newman

Luke Newman
Luke Newman, P.A.
908 Thomasville Road
Tallahassee, Florida 32303
850.224.4444 (phone)
850.224.9335 (fax)
Fla. Bar ID 0859281
luke@lukenewmanlaw.com