

**IN THE SUPREME COURT OF FLORIDA  
CASE NO. SC23-190**

**DONALD DAVID DILLBECK**

**Appellant,**

**v.**

**STATE OF FLORIDA**

**Appellee.**

**CAPITAL CASE  
DEATH WARRANT SIGNED  
EXECUTION SCHEDULED FOR  
FEBRUARY 23, 2023**

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**MOTION TO SUPPLEMENT THE RECORD**

**COMES NOW, DONALD DAVID DILLBECK**, Appellant, by and through undersigned counsel and respectfully requests that this Court direct the Clerk of the Court for Leon County to supplement the record on appeal in the above-styled case. In support of his motion, Mr. Dillbeck avers:

1. On January 23, 2023, Mr. Dillbeck's death warrant was signed and his execution was scheduled for February 23, 2023.

2. On February 6, 2023, Mr. Dillbeck appealed the summary denial of his motion to vacate his sentence of death. Along with his Notice of Appeal, he filed his Directions to the Clerk, itemizing each document or hearing to be included in the record on appeal.

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3. Prior to filing his appellate pleadings, the Clerk of the Court for Leon County e-mailed a record on appeal to the parties. That record on appeal is incomplete.

4. Likewise, today, in its order acknowledging the Notice of Appeal and assigning a case number, this Court indicated that a copy of the incomplete record on appeal had been received.

5. Mr. Dillbeck requests that this Court direct the Clerk of the Court to supplement the record with the following documents and transcript:

- (1) Notice of Hearing, January 24, 2023 – item “c” in Mr. Dillbeck’s Directions;
- (2) Defendant’s Demand for Public Records (Ft. Myers Police Dept.), January 25, 2023 – item “m” in Mr. Dillbeck’s Directions;
- (3) Defendant’s Demand for Public Records (DOC), January 25, 2023 – item “n” in Mr. Dillbeck’s Directions;
- (4) Defendant’s Demand for Public Records (FDLE), January 25, 2023 – item “o” in Mr. Dillbeck’s Directions;
- (5) Defendant’s Demand for Public Records (Gadsden Sheriff’s Office), January 25, 2023 – item “p” in Mr. Dillbeck’s Directions;
- (6) Defendant’s Demand for Public Records (SAO-2), January 25, 2023 – item “q” in Mr. Dillbeck’s Directions;
- (7) Defendant’s Demand for Public Records (Attorney General), January 25, 2023 – item “r” in Mr. Dillbeck’s Directions;
- (8) Notice of Hearing, January 26, 2023 – item “y” in Mr. Dillbeck’s Directions;
- (9) Amended Notice of Hearing, January 26, 2023 – item “aa” in Mr. Dillbeck’s Directions;

- (10) Defendant's *Proposed* Order on Evidentiary Hearing, February 1, 2023 – item “vv” in Mr. Dillbeck's Directions;
- (11) Defendant's Notice of Filing (Supplemental Appendix), February 2, 2023 – item “ww” in Mr. Dillbeck's Directions;
- (12) Transcript of Hearing (January 25, 2023)(Case Management Conference) – item “aaa” in Mr. Dillbeck's Directions.

6. In addition, (13) the third page of Attachment X to Mr. Dillbeck's Appendix to his Rule 3.851 motion is missing (Carl Scott Krieg's declaration, page 3), along with (14) the cover sheet identified as “Attachment X” for the next attachment. And, (15) pages 14-16 of the January 27, 2023, hearing are also missing.

7. All of the documents, the transcript and pages were filed in the circuit court.

**WHEREFORE**, Mr. Dillbeck, by and through undersigned counsel, respectfully requests that this Court direct the Clerk of the Court for Leon County to supplement the record with the missing items (1) – (15).

Respectfully Submitted,

/s/. Baya Harrison  
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*Counsel for Appellant*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing pleading has been furnished by electronic service to all counsel of record on this 7<sup>th</sup> day of February, 2023.

/s/ Linda McDermott  
LINDA McDERMOTT