IN THE SUPREME COURT OF FLORJDA

GARY BOWLES,

Appellant,

v. Case No. **SC96732**

STA'TE OF FLORIDA,

Appellee.
_____/

ON APPEAL FROM THE CIRCUIT COURT
OF THE FOURTH JUDICIAL CIRCUIT,
IN AND FOR DUVAL COUNTY, FLORIDA

AMENDED REPLY BRIEF OF APPELLANT

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ARGUMENT

ISSUE I

GARY BOWLES' SIXTH **AND** FOIJRTEENTH AMENDMENT RIGHT TO *AN* TMPARTTAL JURY AND HIS DUE PROCESS RIGHT TO **A** JURY FROM WHICH NO JURORS HAVE BEEN SYSTEMATICALLYREMOVED BY THE STATE WERE VIOLATED WHEN THE STATE USED PEREMPTORY CHALLENGES TO REMOVE PROSPECTIVE JURORS WHO, WHILE IN FAVOR OF THE DEATH PENALTY, EXPRESSED SOME RESERVATIONS BOUT IT.

The State has two arguments in answer to the claims Bowles made in his Initial Brief. First, he never couched the objection to the State's use of peremptory challenges to excuse non-rabid death supporters in constitutional terms. Second, well, no court, including this one, has accepted his arguments.

As to the latter contention, Bowles acknowledged that discouraging fact in his Initial Brief, but ever undaunted, he pressed forward with the compelling, inevitable logic that he should prevail where others have failed.

As to the first claim, he points out that in his Motion for a New Penalty Phase Hearing he renewed his objections to the State using its peremptory challenges on death scrupled jurors. "Defendant moves the Court pursuant to the Fifth and Eighth Amendments to the United States Constitution ... for a new penalty phase hearing ..." (1 R 56). Moreover, Bowles implicated the constitution with his objections to the

State's challenges of certain members of the venire, For example, the issue first arose when he questioned the legitimacy ofthc prosecution's use of a peremptory challenge on Ms. Keaton (5 R 441-44). She was African-American, and once the State presented a race neutral reason, as required by Batson v. Kentucky, 476 U.S. 79 (1986); State v. Neil, 457 **So.** 2d 481 (Fla. 1984), Bowles pressed his concomitant claim that the prosecutor had improperly challenged them for their cautious approach to imposing the death penalty. That issue could only have been understood in the constitutional light shed by Batson and Neil. Hence, the defendant properly raised and preserved this issue for this Court to consider. For the reasons presented in the Initial Brief, this Court should reverse the trial court's sentence of death and remand for a new sentencing hearing before a new jury.

ISSUE II

THE COURT ERRED IN PERMITTING THE STATE TO INTRODUCE, **AT** THE RESENTENCING HEARING, EVIDENCE OF TWO HOMICIDES, WHICH WERE INADMISSBLE **AT** THE ORIGTNAL SENTENCTNG HEARING, IN VIOLATION OF THE DEFENDANT'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS.

The State says on page **30** of its brief that "Bowles has presented no evidence that prosectorial error in the original sentencincing was the product of deliberate misconduct rather than of a good-faith, albeit mistaken, view of what this Court might deem properly admissible in that sentencing proceeding." Bowles responds simply by noting that this Court in Clark v. State, 363 **So.** 2d **33** 1 (Fla. 1979), did the same thing as he has done here. In requiting defense counsel to contemporaneously object to trial errors, this Court justified that rule because "He [i.e. defense counsel] will not be allowed to await the outcome of the trial with expectation that, if he is found guilty, his conviction will be automatically reversed." Id. at 335. There is no evidence anyone in Clark presented any evidence that such thoughts prompted defense counsels' silence, and this Court simply speculated as to defense motives in not objecting to possible errors.

In this case, however, we have more than speculation. From the beginning, the State has sought to present to the judge, the jury, and this Court evidence that Bowles

had committed other murders. The trial court refused to let it do so, and this Court struck the State's Answer Brief in Bowles I, because it had repeatedly referred to the excluded evidence.[1] ***So,*** the State was obviously frustrated at the constant rebuffs by this and the lower court that kept the evidence out of the record. **A** real, distinct strategy developed that the State knew that more than likely by the time any resentencing hearing occurred those other murder cases would have been resolved, and the resulting convictions would then become available as evidence supporting its case in aggravation. Now, did it know that would happen with a lock certainty? No, of course not, but the law has few certainties, and trial counsel deal in likelihoods and possibilities on a daily basis. If those other murders had remained unavailable, the State would have pressed forward with its case against Bowles, but it became significantly stronger with them. That was the calculation, the strategy, that emerged from its repeated efforts to get them introduced to the lower court, and it persisted on appeal.

Of course, the State never planned "to screw up the first sentencing hearing so it could resentence him with stronger evidence." (Appellee's brief at p. 31). At least that was not its primary plan. It believed it could succeed in having him sentenced to

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[1] **See** the Order of this Court dated December 18, 1997. Bowles v. State, 716 So.2d **769** (Fla. 1998), and the Motion to Strike Portions of Appellee's Answer Brief filed on November 24, 1997.

death by raising the homosexual hate issue. When this Court refused to go along with that strategy, it had a "plan B." Namely, OK, let us resentence Gary Bowles but this time we get to use evidence we could not use the first time. Thus, by virtue of that scheme it had the best of all possible solutions. It used what the trial court the first time around refused to admit, and Rowles, under the clean slate doctrine, can say nothing about it.

Such plotting is, moreover, within the character of the prosecutors in the Fourth Judicial Circuit. In recent years, this Court has repeatedly chastised them for excesses they have taken in capital cases. It has chided them for inflammatory closing arguments, Urbin v. State, 714 **So.** 2d 411 (Fla. 1997), and for creating highly charged emotional scenes during trials. Thomas v. State, 748 **So.** 2d *970* (Fla. 1999).

By putting Bowles and the State in the same position they were in in 1996, the time of his first trial, neither party has garnered a windfall by virtue of the passage of time. That would be the fair thing to do.

ISSUE JTT

TILE COURT **ERRED** IN FINDING THIS MURDER TO HAVE BEEN COMMITTTED IN **AN** ESPECIALLY HEINOUS, ATROCIOIJS, OR CRUEL **MANNER, A** VIOLATION OF BOWLES' EIGHTH **AND** FOURTEENTH AMENDMENT RIGHTS.

The State argues that this murder was especially heinous, atrocious, or cruel primarily because Hinton and Bowles had an intense struggle (Appellee's Brief at pages 34, 35, 37). The only evidence of any struggle, in turn, came solely from the medical examiner's testimony that Hinton had five broken ribs, some abrasions, and scrapes on his right arm and body (5 R 541, 553). Significantly, the medical examiner never said when they occurred-before, during, or after the struggle-only that she saw them. Moreover, she admitted that his ability to fight would have been diminished if he had been hit with the block while asleep and after he had been drinking (5 R 564).

Of course, Bowles himself admitted he struggled with Hinton **(6** R 637), but the point made at trial (1 R **63-64)** and in the Initial Brief bears repeating. The evidence never showed that Hinton knew for more than a very short time that he knew he was about to die. He was hit with the **block** while asleep, and probably stunned by the blow (5 R 559). Whether he was stunned or semiconscious amounts to a distinction without any difference. He never fully regained his Faculties, so that he could realize what was

happening. As such this murder, as despicable and horrible as it was, was not especially heinous, atrocious, or cruel.

The time Hinton was awake before losing consciousness must have been short because the medical examiner found none of the indicators that he was struggling for breath for any lengthy period as the medical examiner concluded in Mansfield v. State, *756* **So.** 2d **636** (Fla. 2000) ("I think it was longer than [a couple of minutes]. From what I previously said as far as the lungs being twice as heavy, the fact the brain had time to swell, the extensive injuries of the face and neck, this did go on for a while. I can't tell you exactly how long, just that it wasn't quick. It was more than a Sew minutes."). In short, the evidence Hinton lingered or was aware of his impending death for any appreciable time was speculative, and the evidence shows with more likely certainty that he was never fully awake, and died before he regained consciousness. As such, this murder was not especially heinous, atrocious, or cruel.

ISSUE IV

THE COURT ERRED IN FAILING TO CONSIDER AND INSTRUCTING THE JURY THAT THEY COULD CONSIDER EVIDENCE OF THE DEFENDANT'S DEFECTIVE MENTAL CONDITION WHEN HE COMMITTED A MURDER TO DTMINISH THE WEIGHT IT GTVES TO THE AGGRAVATING FACTOR, THAT THE MURDER WAS "ESPECIALLY HEINOUS, ATROCIOUS, OR CRUEL."

The problem presented by this issue has a subtly obviously missed by the State. Jf the especially heinous, atrocious, or cruel aggravator requires proof the defendant intended to "inflict a high degree of pain with utter indifference to, or even enjoyment of, the suffering ofothers," then simple fairness dictates that Bowles should be able to present evidence and make arguments that specifically rebuts that element of the HAC aggravator. Although he could, of course, argue his mental state generally as mitigation, the jury had no guidance that that broad brush would specifically cover that aggravating factor. That is the problem this issue presents.

TSSUE V

THE TRIAL COURT ERRED IN INSTRUCTING THE JIJRY ON THE AGGRAVATING CIRCUMSTANCE THAT THE HOMICIDE **WAS** COLD, CALCULATED AND PREMEDITATED USING AN UNCONSTITUTIONALLY VAGUE IN STRUCTTON.

Appellant relies upon the arguments set forth in his Initial Brief on this issue.

ISSUE VI

THE COURT ERRED IN FINDING BOWLES COMMITTED THE MURDER DURING THE COURSE OF AN ATTEMPTED ROBBERY AND FOR PECUNIARY GAIN, IN VIOLATION OF HIS EIGHTH AND FOURTEENTH AMENDMENT RIGHTS.

The State, on page 42 of its brief, makes the amazing claim that "It should be noted that the during-the-commission-of-a-robbery aggravator, unlike the pecuniary gain aggravator, does not explicitly require a pecuniary motive." It justifies this position by noting that it applies if the murder was committed while the defendant was robbing someone "The aggravator on its face merely requires the contemporaneous commission of a robbery or attempted robbery, not a pecuniary motive for the murder."

Counsel for the State must have done well in law school because that distinction is one that would have garnered top marks from the best academic. It is, however, one this Court has never recognized. To the contrary it has repeatedly rejected that squinting analysis in favor of the practical reality that pecuniary and robbery aggravator often reflect the same aspect of the defendant's criminal conduct. Hence, almost from the beginning of the modern era of death penalty sentencing this Court has repeatedly rejected the doubling of those two aggravating factors. E.g., Province v. State, 337 So. 2d 783 (Fla. 1976).

> The State argues the existence of two aggravating circumstances, that the murder occurred in the commission

> of the robbery (subsection (d)) and that the crime was committed for pecuniary gain (subsection (f)). While we would agree that in some cases, such as where a larceny is committed in the course of a rape-murder, subsections (d) and (f) refer to separate analytical concepts and can validly be considered to constitute two circumstances, here, as in all robbery-murders, both subsections refer to the same aspect of the defendant's crime.

Id. at p. **785.**

As to the rest of the State's argument, Bowles anticipated it in his Initial Brief and relies on what he said there to carry the day.

ISSUE VII

THE COURT ERRED BY GIVING LITTLE OR NO WEIGHT TO THE UNCONSTROVERTED EVIDENCE THAT BOWLES USED DRUGS AND ALCOHOL ON THE NIGHT OF THE MURDER, **AND** HE **WAS** SEVERLY ABUSED AS A CHILD, IN VIOLATION OF THE DEFENDANT'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS.

The State, most likely inadvertently, captures the essence the tragedy of Gary Bowles when it said on page 47 of its brief "we have no evidence about his circumstance after he left home [when he was 13], since his mother and brother have had virtually no communication with him." Why not? Most children have homes to come to after school, food to eat, parents to love and care for them, and brothers to tight with over Pokemon cards. Why do we not have any evidence of this for Bowles? The answer is simple. His mother and (thank goodness) his stepfathers were no longer there. This 13-year-old child ran away to an adult world, and we need little speculation to appreciate the grim realities he faced as he turned from what should have been a loving home to adult exploitation.

On page 47 of its brief, the State explains the trial court's giving Bowles' alcoholism only "little weight" because we need to view it in light of the two statutory mental mitigators. The law, however, requires that if the defendant has established a particular mitigator the court must find it. This is true even if, as here, it uses that

finding to determine if any statutory mitigation also exists. Morgan v. State, 639 ***So.*** 2d **6** (Fla. 1994); Knowles v. State, 632 So. 2d 62, 67 (Fla. 1993).

More directly, however, the State contends the court justly rejected Bowles' contention that he was alcoholic because the evidence was not "uncontroverted or even especially competent."[2] (Appellee's Brief at p. 50) In reaching this amazing conclusion it notes that he presented no expert testimony he suffered that disability although it also conceeded that such evidence "may not be essential. . ." (Appellee's brief at p. 50) It also recognized that the evidence showed that he not only drank alcohol but did so "heavily at times." On the other hand, there was no "direct evidence that he is an alcoholic or that he has had a 'life-long' problem with alcohol." (Appellee's brief at p. 51) Here is the direct evidence Bowles was an alcoholic:

1. When he lived with his mother and stepfathers they were perpetually drunk (7 T 873, 882-83, **888)**

2. Starting when he was eight years old Bowles sniffed glue and paint, smoked marijuana, and drank beer. **(7** T 833-34, 872).

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[2] In a lengthy footnote, the State claims that Bowles made some speculative assertions that he was alcoholic. (Appellee's brief at pages 47-48). Hc prefers to call them reasonable inferences logically drawn from the uncontroverted facts produced at trial, as the text following this note dcrnonstrates.

3. Those who testified at the sentencing hearing, noted that alcohol was a constant part of his life, and they recalled that whenever they saw him he was either drinking or drunk (5 T 570, 580-81, 590). Indeed, every time he committed some crime, he and often his victims had been drinking and/or taking drugs, often to the point of unconsciousness (6 T 691, **702,** 703, 749, *757,* **764, 766,** 782, *786)*

4. By the fall of 1994, friends noted that he was so drunk that he had a difficult time speaking *(5* T 581).

5. On the night of the murder, **Kick** Smith ranked the defendant on a scale of one to ten as a ten, or, as he said, "absolutely gone." (7 T 850).

6. After Hinton and Rowles returned to the trailer, Hinton went to sleep, Bowles drank at least four more quarts of beer **(6** T **656).** These last two facts are especially significant because they establish that at the time of the murder Bowles was *drunk,* even if, **arguably,** he was not an alcoholic. See, Wickham v. State, **593 So.** 2d 191 (Fla. 1991)(Wickham may have been an alcoholic, but there was no evidence that on the day of the murder he had been drinking.). Those facts were also uncontroverted.

7. After the murder, he left but returned to the trailer with Jennifer Moye. During the two nights they stayed there, hc drank more beer and vodka (5 T 583, *585,* **616).**

The uncontroverted, undeniable evidence shows beyond any doubt that Bowles was an alcoholic, and more significantly, had drank very heavily on the day of the murder. For the trial court to have dismissed all this evidence or give it little weight as merely a "convenient but poor excuse" was a shocking abuse of the discretion this Court had given it to fairly evaluate the case for mitigation. Where this Court and society have historically and repeatedly recognized the powerful mitigating effect of alcoholism and intoxication, Nibert v. State, 574 **So.** 2d 1059, 1062 (Fla. 1990); Knowles v. State, 632 **So.** 2d **62, 67** (Fla. 1993), not only in the penalty phase of a trial, but in determining guilt as well, the trial court's summary dismissal of them shocks the conscience.

But, the State says, it can concede that he may have been alcoholic, but the defendant engaged in too much "purposeful conduct" to have been really drunk or effected by the gallons of beer hc drank on the night of the murder. (Appellee's brief at p. 48) In support of that contention it relies on this Court's decision in Johnson v. State, 608 **So.** 2d 4 (Fla. 1992), but the facts of that case are in sharp contrast to what happened there. Paul Johnson had injected some crystal methedrine and smoke marijuana with his wife and friends. Sometime later he wanted some more drugs, but he needed money and said he might have to shoot someone to get it. Over the course of the next several hours, and in three separate incidents, he killed a taxi driver, a

person who had given him a ride, and a police officer who had stopped Johnson in response to the second shooting. During these murders he committed two robberies, kidnaped the taxicab driver, burned his car and and attempted to murder two other people.

After being found guilty of the three murders, two counts of robbery, one count of arson, one count of kidnaping, and two counts of attempted first degree murder, Johnson was sentenced to death. Significantly, the court found, and this Court approved, the cold, calculated and premeditated aggravating factor for each of the three homicides. Id. at 11. Despite his claim of insanity caused by his drug use (a defense rejected in the guilt phase of the trial), the court found Johnson had a deliberate plan that hc had carried out over the course of the night and that involved three separate incidents, each of which culminated in murder. He left his house intent on robbing anyone he could find and hurting them if they got in his way. He hailed a cab, abducted the driver, executed him, and then torched the car. **After** that he went to a restaurant where hc enticed a couple to give him a ride. Hc lured one of them from the car, marched him into the woods and shot him three times, execution style. Apprehended by a police officer, hc got in a fight with him, wounded him twice, then killed him like the others, in an execution style murder. "This sequence of events illustrates Johnson's

purposeful conduct and supports the trial court's finding that all three murders were committed in a cold, calculated, and premeditated manner." Id. at 11.

Thus, the facts clearly supported the trial court's rejecting Johnson's intoxication as mitigation. The effects of the drugs wore off as the night progressed, and he showed too much cunning, to much planning, to justify any conclusion he lingered under their effects.

This Court can reach no similar conclusion here. First, **we** have only a single killing, not three spread out over the course of several hours. H s murder weapon was a clumsy, heavy **rock,** not a gun. The court nevcr found he had committed the murder in a cold, calculated, and premeditated manner. Bowles consumed alcohol and marijuana in the hours and minutes immediately before the murder, and there is no evidence their effects ever waned by the time he killed Hinton. Although he **took** Hinton's car and watch, those thefts never prompted the killing and appear more as targets of opportunity than motives for murder. Finally, after the homicide he returned to the trailer and stayed there two nights, a bizarre, unique fact that reveals a mind so blitzed with booze that hc did whatever was expedient rather than calculated. That certainly was not purposeful conduct in the sense intended in Johnson.

The State, on page 50 of its brief, claims the similarity of the facts of the other murders show the purposeful conduct, but the Alsie Morris killing was distinctly

different from the Hinton homicide. In the former homicide, Morris and Bowles got in a slapping fight at a bar, It spilled outside, and eventually the victim got a knife that Bowles took from him. The victim then produced a shotgun, which the defendant took from him and shot him (6 R 756-58). Even the Roberts' murder has some key distinctions, the primary one being that the victim was awake before being struck in the head with a lamp (6 T 782).

Finally, the State claims that Bowles' use of a false identity shows his purposeful conduct in killing Hinton. As pointed out in his Statement of the Facts, he had gone by the name of Timothy Whitfield for some time before the Hinton homicide, so it is difficult to find any rational connection between that fact and the murder. (Initial Brief at page 5, 6 T 760).

For the reasons provided here, and as argued in this issue and Issue IX in the Initial Brief, Rowles respectfully asks this honorable Court to reverse the trial court's sentence of death and remand for a new sentencing hearing.

ISSUE VIII

THE COURT ERRED IN INSTRIJCTING THE JURY THAT THEY COULD CONSIDER TIE VICTIM IMPACT EVIDENCE PRESENTED DURING THE PENALTY PHASE OF BOWLES' TRIAL, IN VIOLATION OF THE DEFENDANT'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS.

So this is the absolutely crystal clear instruction on victim impact evidence the court gave the jury, and which the State claims is perfectly understandable:

> I instruct you that, although you are entitled to hear this [victim impact] evidence, you may consider this evidence, but you are not to consider it as an aggravating Circumstance or weigh it as an aggravating circumstance when you determine whether to recommend a life sentence or a death sentence.

(7 T 1067-68)

You can consider it, but you cannot consider it. That is clear? That guiclance is reminiscent of the former Rule 3.390(a), Fla. R. Crim. P., that required the trial court, upon request by counsel, to tell the jury of the minimum and maximum punishment the defendant would be subject to ifconvicted. The Florida Bar re Florida Rules of Criminal Procedure, 343 **So.** 2d 1247, **126**1 (Fla. 1977); Tascano v. State, **393 So.** 2d 540 (Fla. 1981). Of course, such guidance had no legal relevance to the guilt determination, but it was given anyway, simply for them to consider. That rule was

quickly amended, and the illogicality of the guidance removed from the standard jury instructions.

So it should have been here. The jury was told in one breath that it could consider victim impact evidence, but in the next that it could not consider it in the only logical place it had relevance: the aggravating factors. While we may believe they could have somehow understood what that guidance meant, in truth, it was confusing. The additional instruction Bowles asked the court to give would have brought some clarity to this otherwise muddled area of the law. This Court should reverse the trial court's sentence of death and remand for a new sentencing hearing.

ISSUE IX

THE CQTJRT ERRED IN FAILING TO FIND THE TWO STATUTORY MENTAL MITIGATING FACTORS APPLIED IN THIS CASE, A VIOLATION OF BOWLES' EIGHTH AND FOURTEENTH AMEMDMENT RIGHTS.

Since the State has lumped its argument on this issue with Issue VII, Bowles' reply to it will serve to answer its complaints on this point.

ISSUE X

THE TRIAL COURT ERRED IN REFUSING TO INSTRUCT THE JURY ON THE SPECIFIC NONSTATUTORY MITIGATORS BOWLES HAD PRESENTED EVIDENCE SUPPORTING, A VIOLATION OF HIS EIGHTH AND FOURTEENTH AMENDMENT RIGHTS.

The State's brief on this issue and the next clearly lays out the paths this Court can take. It can take the precedential trail and simply affirm the trial court's rulings on these points. Or, it can follow the better and clearer route laid out by Bowlcs in his Initial Brief and make better, fairer, and more logical law. The choices seems so clear that the State made no response to the merits of his argument, relying instead on the dull, predictable argument of precedent. Bowles respectfully **asks** this Court to wake **up,** shake off the shackles of dull routine, follow the path he has blazed, and craft a decision based on logic, experience, and the right stuff. He asks this Court to reverse the trial court's sentence of death and remand for a new sentencing hearing.

ISSUE XI

TIIE COURT ERRED IN REFUSING TO GIVE A REQUESTED JURY INSTRUCTION DEFINING MITIGATION, IN VIOLATION OF BOWLES' EIGHTH AND FOURTEENTH AMENDMENT RIGHTS.

Appellant relies upon the arguments set forth in his Initial Brief on this issue.

ISSUE XI1

THE COURT ERRED IN ALLOWING CORPORAL JAN EDENFIELD TO TESTIFY ABOUT THE INTERNAL INJURTES BOWLES ALLEGEDLY INFLICTED ON WESLEY BLEASE, IN **VIOLATION** OF THE DEFENDANT'S FIFTH, SIXTH, AND FOURTEENTH AMENDMENT RIGHTS.

If we limit Rodriquez v. Statc, 753 ***So.*** 2d 29 (Fla. 2000), to its facts then, yes as the State declares, the facts here are different from the ones in that case. This Court did more than decide that case, however; it announced a principle to guide lower courts when matters, factually different, involved the same issue. If hearsay testimony involves contested matters, the State should not be able to shield its case by "allow[ing] witnesses to become the conduit for hearsay statements made by other witnesses who the Statc chooses not to call, even though available to testify." Id. at 45.

The State claims, on page 59 of its brief, that the hearsay that Corporal Edenfield spoke about was "relatively straightforward and objective." Well, from its perspective maybe so, but not necessarily from Bowles' vantage point. If her testimony tended to show the violence of the defendant's **attack** on his girlfriend, he had the right to refute that proof by questioning how extensive any tears or lacerations to her vagina and rectum may have been and when they had occurred. Corporal Edenfield simply would not have had those answers.

Thus, for all this record shows, convenience to the State and the examining physician appear as the only reason the prosecution failed to call her. The Sixth Amendment demands stronger reasons than that to excuse applying it to this case. This Court should reverse the trial court's sentence of death and remand for a new sentencing hearing.

CONCLUSION

Based on the arguments presented here, the Appellant, Gary Bowles, respectfully asks this Honorable Court to reverse the trial court's sentence and remand for a new sentencing hearing before a jury, or to remand for imposition of a life sentence.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing has been furnished to **CURTIS M. FRENCH,** Assistant Attorney General, by hand delivery to The Capitol, Plaza Level, 'I'allahassee, Florida 32399-1050, and a copy has been mailed to appellant, **GARY BOWLES,** #068158, Florida State Prison, Post Office Box 181, Starke, FL 32091-0181, .

Respectfully submitted,

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