

IN THE SUPREME COURT OF FLORIDA

**Case Number: SC19-1744
Original Proceedings
LCN: 2011CF001491CFA**

**MICHAEL SHANE BARGO
Appellant,**

vs

**STATE OF FLORIDA
Appellee,**

_____ /

**APPELLANT’S MOTION TO ACCEPT NOTICE OF
SUPPLEMENTAL AUTHORITY AS FILED ON JANUARY 23, 2021**

COMES NOW, the Appellant pursuant to the Fl. R. App. P. 9.225, and by and through the undersigned counsel and requests that this Honorable Court accept the Notice of Supplemental Authority as filed and in support of such states the following:

1. That on or about January 23, 2021 the Appellant filed a Notice of Supplemental Authority without the attached cases (all cases were properly cited). On February 02, 2021 said Notice was stricken by this Court for non-compliance with Fl. R. App. P. 9.225.
2. That the only method the Appellant can attach the cases, is to scan printed copies of the cases into the Appellant’s hard drive and then attach said cases separately with the filing.
3. That the Florida Courts e-filing Portal system will not accept a scanned document and, in rejection of such, the system gives an

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electronic error notice that the document page size (8 ½ by 11 ½) is a fraction too large. Reducing the size of the image does not remedy this situation.

4.) That the instructions previously sent by the e-filing technicians do not adopt to the Appellant's IT system.

5.) That due to the COVID pandemic in Palm Beach County, the undersigned counsel, in an abundance of caution, will not call a computer expert or software expert to come in-house and remedy this IT problem. (Counsel is in a category that has been designated as COVID high-risk)

WHEREFORE, based on the fact that the cases are properly cited but cannot be attached due to an IT misconnect, and that counsel cannot bring in an IT expert due to the COVID pandemic in Palm Beach County, the Appellant respectfully requests that the Notice of Supplemental Authority is accepted as previously filed.

I HEREBY CERTIFY that a true and correct copy of the above has been provided to Ms. Doris Meacham, AAG, 444 Seabreeze Boulevard, 5th Floor, Daytona Beach, Florida 32118 and Mr. Michael Shane Bargo, DOC Number U41472, Union Correctional institution (Male) 25636 N.E. SR-16 Raiford, Florida 32083 and filed with the Clerk of the Supreme Court electronically this 05th day of February 2021.

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By: /s/ Philip J. Massa
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