

ORIGINAL

IN THE SUPREME COURT OF FLORIDA

JOHN RICHARD MAREK,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

_____ /

FILED
THOMAS D. HALL
2009 MAY -1 P 4:19
CLERK, SUPREME COURT
BY _____
CASE NO. SC09-765

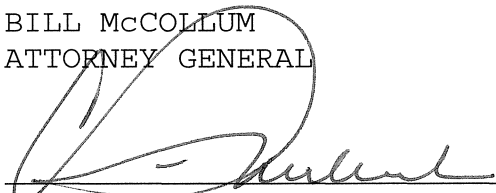
STATE'S CORRECTED MOTION TO STRIKE REPLY BRIEF

COMES NOW, Appellee, State of Florida and files this Motion TO Strike Reply Brief and would show:

On May 1, 2009, Appellant's counsel filed a reply brief in the above-styled case which constitutes a personal attack rather than addressing the issues before the court as set forth in Rule 9.210(d) F. R. App. P., which provides that "The reply brief shall contain argument in response and rebuttal to argument presented in the answer brief."

Respectfully submitted,

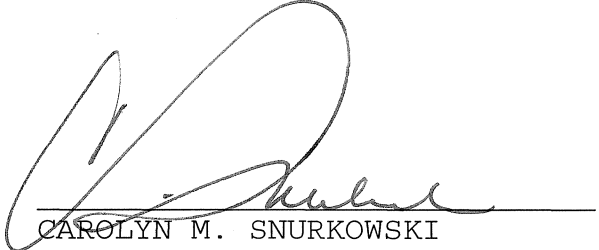
BILL McCOLLUM
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing STATE'S MOTION has been furnished to Martin J. McClain, McClain & McDermott, PA, 141 NE 30th Street, Wilton Manors, FL 33334 this 1st day of May, 2009.



CAROLYN M. SNURKOWSKI
ATTORNEY FOR APPELLEE