

**IN THE DISTRICT COURT OF APPEAL
THIRD DISTRICT**

THE STATE OF FLORIDA,

Petitioner,

CASE NO. 3D09-3023

Lower Tribunal No. F09-019364

Judge John W. Thornton

VS.

ANTOINE BOWENS,

Respondent.

**SUPPLEMENTAL RESPONSE TO STATE'S MOTION
TO FORWARD TO THIS COURT SEALED TRANSCRIPT
AND MOTION TO UNSEAL THE TRANSCRIPT**

Assistant Public Defender ("APD") Jay Kolsky and Carlos J. Martinez,
Public Defender for the Eleventh Judicial Circuit of Florida ("PD-11"),
respectfully submit this Supplemental Response to the State of Florida's Motion
for Order to Clerk of the Circuit Court to Forward to This Court Sealed Transcript
and Motion to Unseal the Transcript, and state:

1. On November 24, 2009, PD-11 and APD Kolsky filed a Response to the State of Florida's Motion for Order to Clerk of the Circuit Court to Forward to This Court Sealed Transcript and Motion to Unseal the Transcript (the "Response"). In the Response, PD-11 and APD Kolsky stated that "although the trial court's Order granting APD Kolsky's motion to withdraw has been stayed by

this Court, APD Kolsky and PD-11 do not see how they can speak for Mr. Bowens, who may have objections to the State's motion." (Response at ¶ 2).

2. Since the Response was filed, APD Kolsky was able to confer with Antoine Bowens about the State's motion at a status conference held before Judge Thornton on December 1, 2009. Mr. Bowens advised APD Kolsky that he objects to the transcript of the *ex parte* inquiry being unsealed.

WHEREFORE, APD Kolsky and PD-11 respectfully request that this Court deny the State's motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 4th day of December, 2009 on the following by U.S. Mail and as specified:

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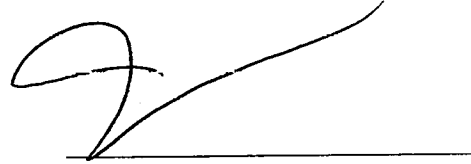


Julie E. Nevins

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing response is printed in 14-point

New Times Roman.

A handwritten signature in black ink, appearing to read 'Julie E. Nevins', is written above a solid horizontal line.

Julie E. Nevins