

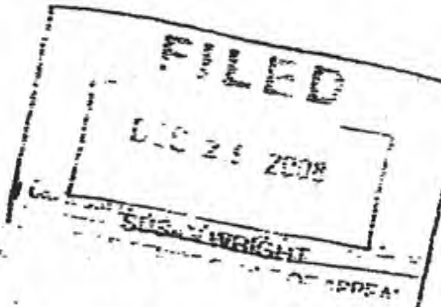
IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JOHN W. DOBBS
Appellant
In pro per

Nothing was
filed on 12/30

CASE NO. 5D07-1057

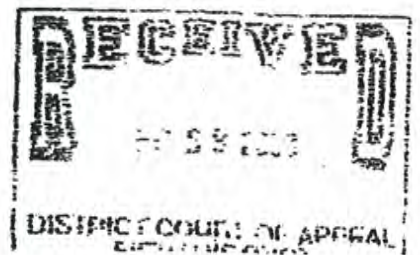
STATE OF FLORIDA
Appellee



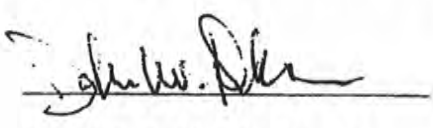
ON APPEAL, FROM THE CIRCUIT COURT
OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA

APPLICATION FOR CLARIFICATION OF DECISION ON APPEAL

Now Comes the defendant acting In Pro Per asking the court for clarification of its decision in upholding the trial court's decision of conviction to refute any assumption that the defendant is being penalized for acting In Pro Per or presenting too many or unprofessionally addressed issues. The defendant respectfully requesting a written opinion which specifies the factual basis upon which the court believes the conviction rests, which of the alternate legal theories of guilt the court adopted, i.e. 1) that the defendant 'brought a knife to a fist fight [indicating the defendant used excessive force and therefore cannot avail himself of the claim of self defense] or 2) that the defendant was the aggressor, attacking all the alleged complaints one after the other [and therefore cannot avail himself of the claim of self defense]. The facts are in dispute as the alternate theories, as the excessive force theory has the defendant fighting at his vehicle while the aggressor theory has the fight occurring at the complaint Blanco's vehicle. The defendant wishes clarification of which factual theory the court and State adopts.



The defendant also seeks clarification as to why 1) as to count 2 brought on behalf of Francisco Gotay, Gotay's admission that he was the initial aggressor attacking the defendant doesn't support the defendant's claim of self-defense, 2) why as to count 4 the undisputed fact that the complainant rammed his vehicle into the defendant's vehicle, as the defendant retreated from the altercation doesn't support the defendant's claim of self defense, 3) as to count 1 brought by Andre Blanco the defendant seek clarification as to why the witness testimony and forensic evidence presented by the State doesn't raise reasonable doubt as a matter of law and 4) why under what legal theory given the overall evidence of aggression toward the defendant and the sheer number of opponents the defendant would not be justified in using his pocket knife in self defense. Simple prosecutorial assertion that the defendant was not acting self-defense is legally insufficient as a matter of law. as all the elements of guilt must be proven beyond a reasonable doubt. Consequently in assuring that the elements of guilt were not by passed in reaching its decision in this case the defendant respectfully requests the court outline the element's and factual bases upon which it's decision rests so that the defendant might make adequate efforts for future appeal. The defendant asserts that without clarification of which version of events, i.e. factual basis, this court has adopted, given the variation of version presented by the State at trial or clarification of which theory of guilt, given the alternate theory's of guilt presented at trial, the court could not have adequately addressed the issues raised on appeal and therefore the defendant is being denied his right of appeal.



John W. Dobbs, In Pro Per