

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA

v.

JOSEPH FRANK BOVA II  
Defendant.

CASE NO.: 2013-763CF

**NOTICE OF INTENT TO RELY UPON INSANITY AS A DEFENSE**

Defendant, Joseph Frank Bova II, by and through his undersigned counsel, hereby notifies the State of Florida pursuant to Florida Rule of Criminal Procedure 3.216(b) that Defendant was insane at the time of the offense charged in the Indictment was committed, that Defendant will rely upon insanity as a defense during his trial, and that the Defendant will assert that he is Not Guilty by Reason of Insanity to the offense of First Degree Murder alleged by the Indictment presented in this case:

1. The Defendant expects to prove that he is suffering from a neuropsychiatric disorder with symptoms of psychosis and neurocognitive deficits at the time of the offense alleged in the Indictment and at the current time. Defendant expects to prove Defendant lacked the ability to understand the nature and consequences of his actions at the time of the alleged offense, that Defendant was in a state of psychosis at the time of the alleged offense, and that Defendant was insane at the time the First Degree Murder alleged in the Indictment was committed.
2. The Defendant was arraigned in the above-styled case on October 8, 2013. Defendant's counsel submits this Notice of Intent to Rely on Insanity as a Defense based on Defendant's diagnosis as suffering from a diagnosis of neuropsychiatric disorder with symptoms of psychosis and neurocognitive deficits pursuant to the DSM V. The Defendant respectfully requests this Honorable Court waive the requirement of filing this Notice within 15 days after arraignment as specified by Florida Rule of Criminal Procedure 3.216(c) because Defendant's counsel did not discover facts sufficient to

support a reasonable belief that Defendant was insane at the time of the commission of the alleged offense until after the 15 day period following arraignment had expired.

3. The name and address of the expert witness by whom Defendant expects to prove Defendant has a diagnosis of neuropsychiatric disorder with symptoms of psychosis and neurocognitive deficits is as follows:

- a. Dr. Joseph Sesta, 437 Apollo Beach Blvd., Apollo Beach, FL 33572

4. The names and addresses of the witnesses by whom Defendant expects to prove Defendant was suffering from Schizophrenia at the time the offense alleged in the Indictment was committed are as follows:

- a. Ann Bova, 57 Winterbrook Rd., Wolcott, CT 06716

- b. Henry Bova, 57 Winterbrook Rd., Wolcott, CT 06716

- c. Albert Esposito, 200 Lambert Ave, Flagler Beach, FL 32136

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: K. Mark Johnson, Assistant State Attorney, 2446 Dobbs Rd., Saint Augustine, FL 32086, on the 23<sup>rd</sup> of August, 2019.

/s/ JOSHUA T. MOSLEY

JOSHUA T. MOSLEY

ATTORNEY AT LAW

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