

**IN THE SUPREME COURT OF FLORIDA**

**CASE NO. SC18-42**  
Lower Tribunal No.:  
412010CF000479CFAXMA

**DELMER SMITH,**  
Appellant,

v.

**STATE OF FLORIDA,**  
Appellee.

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**STATUS REPORT**

COMES NOW the Appellant, Delmer Smith, pursuant to this Court's order dated April 25, 2019, in which this Court granted the Appellee's Emergency Motion to Supplement the Record by Relinquishing Jurisdiction to the Circuit Court for an Evidentiary Hearing. The Order directed counsel for the parties to file status reports every fifteen days as to the progress of the relinquishment proceedings. This report for counsel for the Appellant follows:

On May 7, 2019 the Honorable Judge Diana Moreland held a status conference in case no. 2010CF00479AX. At the status conference the court set an evidentiary hearing to be held on June 5, 2019. The parties and the court agreed to allow counsel for Appellant to conduct discovery depositions prior to the evidentiary hearing. The Appellee did object to the scheduling of one witness requested by counsel for Appellant and the court is taking that matter under advisement and will be entering a ruling. The issue of whether written or oral closing arguments will be utilized after the evidentiary hearing is also under consideration by the court.

RECEIVED, 05/08/2019 03:28:51 PM, Clerk, Supreme Court

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 8, 2019, I electronically filed the foregoing Status Report with the Clerk of the Court through the Florida Court's E-Filing system, which will send a notice of electronic filing to: Christina Pacheco, Assistant Attorney General, [christina.pacheco@myfloridalegal.com](mailto:christina.pacheco@myfloridalegal.com) and [capapp@myfloridalegal.com](mailto:capapp@myfloridalegal.com), and by USPS to Delmer Smith, 2C, P.O. Box 49588, Sarasota, Florida 34230.

/s/ Eric C. Pinkard  
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