

IN THE SUPREME COURT OF FLORIDA

DELMER SMITH,

Appellant,

v.

STATE OF FLORIDA

Appellee.

CASE NO. SC18-42

LOWER COURT CASE:2010-CF-0479

DEATH PENALTY CASE

APPELLEE'S STATUS REPORT

COMES NOW, the State of Florida, by and through the undersigned Assistant Attorney General, pursuant to this Court's April 25, 2019, Order granting Appellee's Emergency Motion to Supplement the Record by Relinquishing Jurisdiction to the Circuit Court for an Evidentiary Hearing, and files this status report regarding the progress of the relinquishment proceedings.

1. The circuit court held a status hearing on May 7, 2019, after which The Honorable Diana Moreland issued an "(1) Order Granting, in Part, and Denying, in Part, Defendant's Motion for Leave to Take Depositions; (2) Order Scheduling Evidentiary Hearing; and (3) Order Granting Parties' Stipulation to Make Oral Closing Arguments at the Conclusion of Hearing."

2. The circuit court scheduled the evidentiary hearing on June 5, 2019. Depositions of Detective Michael Dumer, Detective Jerome Diamond, Detective Ralph Ortiz, and Crime Scene Technician Jessica Jarecki are scheduled for May 20, 2019, and May 28, 2019.

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Defendant's motion to depose former Assistant State Attorney Brian Iten was denied without prejudice. The circuit court granted the parties' stipulation to orally make closing arguments at the conclusion of the evidentiary hearing.

Respectfully submitted,

ASHLEY MOODY
ATTORNEY GENERAL

/s/ Christina Z. Pacheco
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May 2019, I electronically filed the foregoing with the Clerk of Court by using the Florida Courts E-Portal Filing System which will send a notice of electronic filing to the following: Eric C. Pinkard, CCRC, Law Office of the Capital Collateral Regional Counsel-Middle Region, 12973 North Telecom Parkway, Temple Terrace, Florida 33637, **pinkard@ccmr.state.fl.us** and **support@ccmr.state.fl.us**.

/s/ Christina Z. Pacheco
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