

IN THE SUPREME COURT OF FLORIDA

DELMER SMITH,

Appellant,

v.

CASE NO. SC18-42

LOWER COURT CASE:2010-CF-0479

STATE OF FLORIDA,

DEATH PENALTY CASE

Appellee.

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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 scheduled the evidentiary hearing on June 5, 2019 at 8:30a.m. at Silvertooth Judicial Center, 2002 Ringling Boulevard, Courtroom 5B, Sarasota, Florida 34237.

2. Depositions of Detective Michael Dumer, Detective Jerome Diamond, and Detective Ralph Ortiz were conducted on May 20, 2019. Deposition of Crime Scene Technician Jessica Jarecki is scheduled for May 30, 2019. 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.

RECEIVED, 05/23/2019 03:34:54 PM, Clerk, Supreme Court

Respectfully submitted,

ASHLEY MOODY  
ATTORNEY GENERAL

/s/ Christina Z. Pacheco  
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COUNSEL FOR THE STATE OF FLORIDA

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd 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  
COUNSEL FOR THE STATE OF FLORIDA