

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 with the following updates:

1. On June 5, 2019, the circuit court held the evidentiary hearing at 8:30 a.m. at Silvertooth Judicial Center, 2002 Ringling Boulevard, Courtroom 5B, Sarasota, Florida 34237.

2. Appellant had also filed a motion to bifurcate the evidentiary hearing, which was granted. Any witness who could not appear on June 5, 2019, will be called at a continued evidentiary hearing scheduled for June 13, 2019, at 8:00 a.m.

3. In addition, Appellant filed a successive motion to vacate judgment of conviction and sentence and a motion to amend

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his 3.851 motion. The State filed an objection to the motion to amend and a motion to strike the successive motion to vacate. The circuit court entered an order granting the motion to amend and striking the successive motion to vacate.

4. The parties anticipate resolving all the matters, including the new claim raised within the amended postconviction motion, within the relinquishment period.

Respectfully submitted,

ASHLEY MOODY
ATTORNEY GENERAL

/s/ Christina Z. Pacheco
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of June 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