

IN THE SUPREME COURT OF FLORIDA

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

DELMER SMITH,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

_____ /

STATUS REPORT

COMES NOW, the Appellant, Delmer Smith, by and through the undersigned counsel, 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, and files this status report regarding the progress of the relinquishment proceedings. 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:

1. The circuit court set an evidentiary hearing to be held on June 5, 2019 at 8:30 a.m. at Silvertooth Judicial Center, 2002 Ringling Boulevard, Courtroom 5B, Sarasota, Florida 34237.
2. Appellant 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. Appellant filed a successive motion to vacate judgment of conviction and sentence and a motion to amend his 3.851 motion. The State filed its objection to the motion to

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- 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,

/s/ Eric C. Pinkard
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 7, 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 and 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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