

IN THE SUPREME COURT OF FLORIDA

RALPH DANIEL WRIGHT, JR.,

Appellant,

v.

CASE NO. SC14-2410

Lower Tribunal No. 08-26620

STATE OF FLORIDA,

Death Penalty Case

Appellee.

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RESPONSE TO MOTION TO TRANSMIT EXHIBITS

COMES NOW, Appellee, STATE OF FLORIDA, by and through the undersigned Assistant Attorney General, and responds to Appellant's motion to transmit exhibits, as follows:

1. On August 3, 2015, Appellant filed a motion to relinquish jurisdiction, to supplement the record, and to transmit exhibits.

2. As indicated in the motion, approximately seventy (70) large exhibits used during trial were omitted from the appellate record because they were too large to be copied by the clerk of the circuit court.

3. The undersigned attorney has learned that those exhibits were created through PowerPoint, and each exhibit represents a PowerPoint slide that was printed and enlarged for display on presentation paper.

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4. The underlying, standard-size printouts of the PowerPoint slides were never admitted into evidence; however, the State has them in its possession.

5. Given this information, Appellant, through his attorney, and the undersigned counsel have agreed that it would be beneficial to have a hearing in circuit court regarding acceptance and filing of the standard-size PowerPoint slides. Therefore, Appellant has requested that this Honorable Court relinquish jurisdiction for resolution of this matter, and Appellee is in agreement with this request.

6. Appellant has also requested that the large trial exhibits be transmitted to this Court as well.

7. Appellee does not join Appellant's request for the transmission of the original trial exhibits.

8. Pursuant to Florida Rule of Appellate Procedure 9.200(a)(1), the clerk of the lower court is prohibited from transmitting any original exhibit unless ordered to do so by the Court.

9. In the event that this Court grants the request to relinquish jurisdiction, the record will be supplemented with an accurate and suitable smaller-size version of each trial exhibit, which would obviate the need for approximately seventy (70) enlarged trial exhibits to be removed from the evidence

vault within the Pinellas County Clerk of Circuit Court and transmitted to this Court.

10. Even if this Court desires to have the large exhibits transmitted, Appellee respectfully requests that the record be supplemented with the smaller exhibits to ensure completeness of the record, equal access to the exhibits, and uniform reference and representation of the exhibits at issue.

WHEREFORE, Appellee respectfully requests that this Honorable Court issue an order on Appellant's motion to transmit the original records in accordance with the resolution deemed most appropriate by this Court.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/s/ Christina Zuccarro
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COUNSEL FOR APPELLEE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2015, I electronically filed the foregoing RESPONSE TO TRANSMIT EXHIBITS with the Clerk of the Court using the e-portal system which will send notice of electronic filing to Karen M. Kinney, Assistant Public Defender, P.O. Box 9000-Drawer PD, Bartow, Florida, 33831 at **appealfilings@pd10.state.fl.us**, **kkinney@pd10.state.fl.us**, and **mjudino@pd10.state.fl.us**.

 /s/ Christina Zuccarro
CHRISTINA ZUCCARO
Counsel for Appellee