

IN THE SUPREME COURT OF FLORIDA

TERRY SMITH,

Appellant,

v.

CASE NO.: SC18-1763

STATE OF FLORIDA,

Appellee.

_____ /

OBJECTION TO MOTION FOR ENLARGEMENT

COMES NOW, the State of Florida, by and through undersigned counsel, and objects to Smith's one-page unsigned Motion to File Enlarged Brief. (Motion to Enlarge). Smith's Motion to Enlarge should be denied, and in support therefore, the States presents the following:

Smith's Motion to Enlarge should not be granted because Smith's Initial Brief is 119 pages. Florida Rule of Appellate Procedure 9.210(a)(5)(C) clearly states that a brief from an appeal from a denial of an initial postconviction motion filed under Florida Rules of Criminal Procedure 3.851 shall not exceed 100 pages. Smith's Initial Brief exceeds that limit by almost 20%. This Court has recognized the importance of adhering to page limitations in all cases, including death-penalty cases. See Henry v. State, 937 So. 2d 563, 576 (Fla. 2006).

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Accordingly, this Court should strike the Initial Brief and issue an order to show cause. Additionally, undersigned counsel is requesting that this Court toll the response time until an order has been issued.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Appearance has been furnished via the eportal to Karin Moore and Elizabeth Spiaggi, Attorneys for Appellant at Karen.Moore@ccrc-north.org and Elizabeth.Spiaggi@ccrc-north.org, this 26th day of April, 2019.

Respectfully Submitted,

/s/ Lisa A. Hopkins
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