

IN THE DISTRICT COURT OF APPEAL OF FLORIDA
FOURTH DISTRICT

STATE OF FLORIDA,
Appellant,

Case No. 4D19-2024

v.

L.T. No. 2019CF001606AMB
2019CF001606BMB
2019CF001606CMB
2019CF001606DMB

HUA ZHANG, ET AL.,
Appellee.

_____ /

**MOTION FOR EXTENSION OF TIME
TO FILE INITIAL BRIEF**

Appellant, the State of Florida, hereby moves the Court for a 30-day extension of time to file the initial brief on appeal in this matter. *See Fla. R. App. P. 9.300(a).*

The grounds for the motion are as follows.

1. This is an appeal from a non-final order of the circuit court for the Fifteenth Judicial Circuit, which suppressed, under the Fourth Amendment, video evidence relevant to pending felony prostitution charges against the Appellees, who collectively were operating a massage business alleged to have offered illicit sexual services for money. In several related cases, county court judges have certified that the issues presented here are of great public importance.

2. On July 16, 2019, this Court accepted jurisdiction of the related appeals, *State v. Kraft*, No. 4D19-1499 and *State v. Freels, et al.*, No. 4D19-1655, and

RECEIVED, 09/13/2019 12:05:32 PM, Clerk, Fourth District Court of Appeal

consolidated all three cases for the purpose of designation to the same appellate panel.

3. The initial brief is presently due to be filed in this Court on September 13, 2019. This is the State's first request for an extension of time. An extension of time is necessary for several reasons.

4. First, undersigned counsel is responsible for handling numerous matters in this Court, the Florida Supreme Court, and the United States Supreme Court, along with various other responsibilities related to pending litigation in state and federal court.

5. Second, the records on appeal in each of the three related cases are voluminous. The record in this case, for instance, is nearly 4,000 pages, plus additional transcripts. Due to the length of the records, undersigned counsel has not yet completed his review of the necessary documents. The Office of the Solicitor General was not counsel to the State in the trial proceedings.

6. Third, the legal issues presented here are important and warrant the fullest possible explication. In the order on review, the circuit court suppressed video evidence proving that Appellees committed serious violations of Florida criminal law, including deriving support from the proceeds of prostitution, a second-degree felony punishable by up to 15 years in prison. That ruling impacts not only this case, but also the power of law enforcement to utilize delayed-notice, non-audio video

surveillance—which this Court has called video surveillance a “valuable tool in fighting crime,” *Minotty v. Baudo*, 42 So. 3d 824, 832 (Fla. 4th DCA 2010)—to obtain evidence of illegal activity across a range of organized criminal enterprises, including human trafficking, racketeering, and narcotics.

7. Fourth, these are issues of first impression in Florida. As several lower court judges have pointed out, there is a “dearth” of Florida case law addressing the legal framework applicable to delayed-notice, non-audio video surveillance, and this Court will be the first state appellate court to resolve the Fourth Amendment questions at play here. Given these circumstances, the State should be permitted to fully develop its position in an initial brief meeting the high professional standards expected by this Court.

8. The undersigned has consulted with counsel for the Appellees, William Shepherd and Tama Beth Kudman, who have indicated that they **oppose** this first extension of time. Mr. Shepherd, representing Appellee Lei Wang, has agreed to a lesser extension of 15 days.

9. Appellees are not in custody pending trial.

10. Undersigned counsel certifies that the purpose of this motion is not for undue delay.

Wherefore, Appellant respectfully requests that this Court extend the time for filing the initial brief by 30 days to October 13, 2019.

Respectfully submitted,

Ashley Moody
Attorney General

/s/ Jeffrey Paul DeSousa
Amit Agarwal (FBN 125637)
Solicitor General
Amit.Agarwal@myfloridalegal.com
Jeffrey Paul DeSousa (FBN 110951)
Deputy Solicitor General
Jeffrey.DeSousa@myfloridalegal.com

Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-1050
Tel. (850) 414-3300
Fax (850) 410-2672

Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via the e-filing portal

on September 13, 2019 to the following:

William Shepherd
Edward Diaz
Jeffrey Schacknow
Holland & Knight LLP
222 Lakeview Avenue, Suite 1000
West Palm Beach, FL 33401
william.shepherd@hklaw.com
edward.diaz@hklaw.com
jeffrey.schacknow@hklaw.com
(561) 650-8338

Counsel for Lei Wang

Katie Phang
Katie S. Phang, P.A.
283 Catalonia Ave Fl 2
Coral Gables, FL 33134-6712
katie@katiephang.com
(305) 614-1223

Counsel for Lei Wang

Tama Beth Kudman
Tama Beth Kudman, P.A.
The Comeau Building
319 Clematis Street, Suite 107
West Palm Beach, FL 33401
tama@tkudmanlaw.com
(561) 472-0811

Counsel for Hua Zhang

Michael S. Brown
Law Office of Michael S. Brown, PLLC
150 North Orange Avenue, Ste 407
Orlando, Florida 32801
msblawofficefl@gmail.com
(352) 514-7494

*Counsel for Lei Chen and
Shen Mingbi*

/s/ Jeffrey Paul DeSousa
Jeffrey Paul DeSousa