

**IN THE DISTRICT COURT OF APPEAL
STATE OF FLORIDA, FOURTH DISTRICT**

CASE NOS. 4D19-1499, 4D19-1655, 4D19-2024

RECEIVED, 09/13/2019 12:57:29 PM, Clerk, Fourth District Court of Appeal

STATE OF FLORIDA

Appellant,

vs.

HUA ZHANG; LEI WANG;
LEI CHEN; and SHEN MINGBI,

Appellees.

L.T. Nos. as to **4D19-2024**

2019CF001606AMB

2019CF001606BMB

2019CF001606CMB

2019CF001606DMB

**DEFENDANT LEI WANG’S RESPONSE IN
OPPOSITION TO STATE’S MOTION FOR EXTENSION OF TIME**

The State has already sought one extension in these consolidated appeals. Now, in the instant case, the State is seeking an additional 30-day extension. The facts in all three appeals, however, are virtually identical, and the State has had months to prepare its brief. As a result, Defendant Lei Wang opposes the State’s request for a 30-day extension, but would agree to a 15-day extension instead. In support, Ms. Wang States:

1. Judge Hanser first ordered suppression in Mr. Kraft’s case on May 13, 2019, on the basis that the State failed to appropriately minimize its video surveillance. Later, the Judges in Ms. Wang’s case and Mr. Freel’s case applied the same rationale and also ordered suppression.

2. The facts of whether the State took steps to minimize are not in dispute. Indeed, on May 20, 2019, during oral argument in Ms. Wang’s case, the State conceded in open court that it had failed to appropriately minimize.

3. Now, after having already sought and been granted an extension in Mr. Kraft’s case, the State seeks an additional extension here. However, the Order granting the extension in Mr. Kraft’s case provided that “if the initial brief and appendix are not served within the time

provided . . . case may be subject to dismissal or the court in its discretion may impose other sanctions.”

4. In these consolidated appeals, there are few facts for the State to review, and even fewer legal issues for the Court to resolve – either the State must adhere to the same minimization requirements that it outlined to the Duty Judge who issued the original warrant (and that are required of federal law enforcement) or it may surveil open-endedly. With months to brief this issue, the State should not need further delay and prejudice the criminal defendant’s right to a speedy resolution.

5. Notwithstanding the above, Ms. Wang has offered the State a 15-day extension as a compromise for the State to finalize its appeal.

6. Respectfully, then, Ms. Wang opposes the State’s motion for a 30-day extension.

Dated: September 13, 2019

Respectfully submitted,

/s/ William N. Shepherd

William N. Shepherd – FBN 88668

Jeff Schacknow – FBN 1004628

Counsel for Appellee Lei Wang

HOLLAND & KNIGHT LLP

222 Lakeview Avenue, Suite 1000

West Palm Beach, FL 33401

Tel: (561) 833-2000

Fax: (561) 650-8399

william.shepherd@hkllaw.com

jeff.schacknow@hkllaw.com

Christopher N. Bellows – FBN 512745

Edward Diaz – FBN 988091

Counsel for Appellee Lei Wang

HOLLAND & KNIGHT LLP

701 Brickell Avenue, Suite 3300

Miami, Florida 33131

Tel.: (305) 374-8500

Fax: (305) 789-7799

christopher.bellows@hkllaw.com

edward.diaz@hkllaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **September 13, 2019**, the foregoing was filed via the Florida Court E-Filing Portal and that a true and correct copy has been served via transmission of Notices of Electronic Filing generated by the ePortal or by some other authorized manner to counsel of record on the attached Service List.

/s/ William N. Shepherd _____
William N. Shepherd

SERVICE LIST

Tama B. Kudman, Esq.
TAMA BETH KUDMAN, P.A.
The Comeau Building
319 Clematis St., Ste 107
West Palm Beach, FL 33401
Tel: (561) 472-0811
Fax: (561) 828-0210
tama@tkudmanlaw.com

Counsel for Appellee Hua Zhang

Zachary P. Hyman, Esq.
BERGER SINGERMAN LLP
350 E Las Olas Blvd., Ste 1000
Fort Lauderdale, FL 33301
Tel: (954) 525-9900
Fax: (954) 523-2872
zhyman@bergersingerman.com

Counsel for Appellee Lei Wang

Leigh Lassiter Miller, Esq.
OFFICE OF THE STATE ATTORNEY
DAVID AARONBERG
401 North Dixie Highway
West Palm Beach, FL 33401
Tel: (561) 355-7100
lmiller@sa15.org

Amit Agarwal, Esq.
Edward Wenger, Esq.
Jeffrey DeSousa, Esq.
OFFICE OF THE ATTORNEY GENERAL
ASHLEY MOODY
PL-01, The Capitol
Tallahassee, FL 32399
Tel: (850) 414-3300
Fax: (850) 410-2672
amit.agarwal@myfloridalegal.com
edward.wenger@myfloridalegal.com
jeffrey.desousa@myfloridalegal.com
jennifer.bruce@myfloridalegal.com
jenna.hodges@myfloridalegal.com

Counsel for Appellant

Kathleen S. Phang, Esq.
KATIE S. PHANG, P.A.
283 Catalonia Avenue, FL 2
Coral Gables, FL 33134
Tel: (305) 614-1223
Fax: (305) 614-1187
katie@katiephang.com

Counsel for Appellee Lei Wang

Paul D. Petruzzi, Esq.
LAW OFFICE OF PAUL D. PETRUZZI, P.A.
8101 Biscayne Blvd., PH-701
Miami, Florida 33138
Tel: (305) 773-6773
Fax: (305) 773-3832
Petruzzi-law@msn.com

Michael S. Brown, Esq.
LAW OFFICE OF MICHAEL S. BROWN, PLLC
150 N Orange Avenue, Ste 407
Orlando, FL 32801
Tel: (352) 514-7494
msblawofficefl@gmail.com

Counsel for Appellees Lei Chen and Shen Mingbi