

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN AND
FOR FLAGLER COUNTY, FLORIDA

CASE NO.: 2020 CF 667

IN RE:

STATE OF FLORIDA

vs.

TRAVIS S. SMITH,

Defendant.

**DEFENSE SECOND MOTION IN LIMINE TO EXCLUDE ANY AND ALL MENTION OF
RACISM, RACIAL MOTIVATION FOR CRIME, ALCOHOL, INTOXICATION, OR
SPECULATION REGARDING SUCH**

COMES NOW, the Defendant, Travis S. Smith, and pursuant to the applicable Florida Rules of Evidence, moves to exclude any and all mention, by the State or their witnesses, of racism, racial motivation for a crime, alcohol, intoxication, or speculation regarding any of the aforementioned, and in support of this Motion would states as follows:

1. The State has failed to produce any sufficient evidence to indicate that the allegations against Mr. Smith were racially or otherwise motivated, in any way. The State has also failed to produce any evidence indicating any intoxication relating to any of the witnesses or Mr. Smith, failed to provide any witnesses, including law enforcement, who would have personal knowledge or expertise as to such. The Defense believes, based on prior indications from the State, that the State may intend to utilize the implications of racism and/or intoxication as a center theme in the instant case at trial. Any mention or implication of such, from the State or any of their

witnesses, at any point of the proceedings, would be wholly irrelevant to any material fact as it pertains to the elements of the crimes alleged, speculative, and would serve only to inflame and mislead the jury about the facts of the instant case in a substantial and unduly prejudicial manner. Therefore, any mention of such is inadmissible pursuant to the Florida Rules of Evidence 90.401-03.

WHEREFORE, the Defendant requests the exclusion of any mention of the aforementioned by the State or it's witnesses.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by: E-Mail: Eserviceflagler@sao7.org Mail: The Office of the State Attorney, 1769 E. Moody Blvd., Building 1, Bunnell, FL 32110 Fax Hand Delivered to: Office of the State Attorney this 18th day of April, 2022.

RICE LAW FIRM, P.A.

/s/ Philip J. Bonamo

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