

IN THE UNITED STATES SUPREME COURT

SAMUEL LEE SMITH, JR.

Case Number:

Petitioner,

v.

LEAMSI HORTA,  
Respondent,

\_\_\_\_\_ /

**APPENDIX TO PETITION FOR WRIT OF CERTIORARI**

**From Florida Supreme Court January 16, 2025 Order Case  
Number SC2024-1705**

**SAMUEL LEE SMITH, JR.**

Petitioner Pro se

16614 SW 99 Court

Miami, Florida 33157

Telephone Number 305-975-1964

Email **gymsam7@gmail.com**

# Supreme Court of Florida

THURSDAY, JANUARY 16, 2025

Samuel Lee Smith, Jr.,  
Petitioner(s)

v.

Leamsi Horta,  
Respondent(s)

**SC2024-1705**

Lower Tribunal No(s).:

3D2024-0139;

132024DR000754A00104

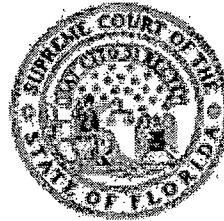
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The petition for review is hereby dismissed on the Court's own motion based on petitioner's failure to timely file the jurisdictional brief in accordance with this Court's order dated December 20, 2024. Any and all pending motions are hereby denied as moot. If petitioner wishes to seek reinstatement, the motion for reinstatement must be filed within fifteen days from the date of this order.

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SC2024-1705 1/16/2025  
John A. Tomasino  
Clerk, Supreme Court  
SC2024-1705 1/16/2025



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HON. JAVIER ENRIQUEZ  
LEAMSI HORTA  
SAMUEL LEE SMITH, JR.

**IN THE SUPREME COURT OF FLORIDA**

SAMUEL LEE SMITH, JR.

Appellant,

Officer Leamsi Horta,

Appellee,

**NOTICE OF APPEAL**

Notice is hereby given that the given that the appellant listed below hereby appeal(s) the below noted case to the Supreme Court of Florida. Third District Court Appeal No: 3D24-139

Trial Court Case No: 24-754

Date of final order being appealed: November 13, 2024

Appellant filing Appeal: SAMUEL LEE SMITH, JR.

Respectfully submitted,

/s/ Samuel L. Smith  
SAMUEL LEE SMITH, JR.  
Appellant Pro se  
16614 SW 99 Court  
Miami, Florida 33157  
Email: Gymsam7@gmail.com

# In the Supreme Court of Florida

SAMUEL LEE SMITH JR  
Petitioner/Appellant

v. Leamsi north  
Respondent/Appellee

CASE NO. 3024-139

## **MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS/AFFIDAVIT OF INDIGENCY BY PETITIONER/APPELLANT**

1. I have 0 dependents. (Include only those persons you list on your U.S. Income tax return.)

Are you Married?...Yes....No Does your Spouse Work?...Yes....No

Annual Spouse Income? \$ \_\_\_\_\_

2. I have a net income of \$ \_\_\_\_\_ paid ( ) weekly ( ) every two weeks ( ) semi-monthly ( ) monthly ( ) yearly ( ) other \_\_\_\_\_.

(Net income is your total income including salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered payments such as child support.)

3. I have other income paid ( ) weekly ( ) every two weeks ( ) semi-monthly ( ) monthly ( ) yearly ( ) other \_\_\_\_\_.  
(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Second job ..... Yes \$ \_\_\_\_\_ No  
Social Security benefits  
For you ..... Yes \$ \_\_\_\_\_ No  
For child(ren) ..... Yes \$ \_\_\_\_\_ No  
Unemployment compensation ..... Yes \$ \_\_\_\_\_ No  
Union payments ..... Yes \$ \_\_\_\_\_ No  
Retirement/pensions ..... Yes \$ \_\_\_\_\_ No  
Trusts ..... Yes \$ \_\_\_\_\_ No

Veterans' benefits ..... Yes \$ \_\_\_\_\_ No  
Workers compensation ..... Yes \$ \_\_\_\_\_ No  
Income from absent family members ..... Yes \$ \_\_\_\_\_ No  
Stocks/bonds ..... Yes \$ \_\_\_\_\_ No  
Rental income ..... Yes \$ \_\_\_\_\_ No  
Dividends or interest ..... Yes \$ \_\_\_\_\_ No  
Other kinds of income not on the list ..... Yes \$ \_\_\_\_\_ No  
Gifts ..... Yes \$ \_\_\_\_\_ No

4. I have other assets: (Circle "yes" and fill in the value of the property, otherwise circle "No")

Cash ..... Yes \$ \_\_\_\_\_ No  
Bank account(s) ..... Yes \$ \_\_\_\_\_ No  
Certificates of deposit or  
money market accounts ..... Yes \$ \_\_\_\_\_ No  
Boats\* ..... Yes \$ \_\_\_\_\_ No

Savings account ..... Yes \$ \_\_\_\_\_ No  
Stocks/bonds ..... Yes \$ \_\_\_\_\_ No  
Homestead Real Property\* ..... Yes \$ \_\_\_\_\_ No  
Motor Vehicle\* ..... Yes \$ \_\_\_\_\_ No  
Non-homestead real property/real estate\* ..... Yes \$ \_\_\_\_\_ No

\*Show loans on these assets in paragraph 5.

Check one: I ( ) DO (X) DO NOT expect to receive more assets in the near future. The asset is \_\_\_\_\_.

5. I have total liabilities and debts of \$ \_\_\_\_\_ as follows: motor vehicle \$ \_\_\_\_\_; home \$ \_\_\_\_\_;  
other real property \$ \_\_\_\_\_; child support paid direct \$ \_\_\_\_\_; credit cards \$ \_\_\_\_\_; medical bills  
\$ \_\_\_\_\_; cost of medicines (monthly) \$ \_\_\_\_\_; and other \$ \_\_\_\_\_.

6. If you have been convicted of a crime and are incarcerated, you must complete the questions in this paragraph and attach the required copy of your inmate trust account.

My inmate number is: \_\_\_\_\_

Amount currently held in inmate trust account: \$ \_\_\_\_\_

Attach photocopy of your trust account records for the preceding six (6) months or for whole time of incarceration, whichever period is shorter.

I certify that I have \_\_\_\_\_ have not \_\_\_\_\_ been adjudicated indigent under section 57.081, 57.085 or 28 U.S.C. § 1915. If your answer is "YES" and it occurred twice in the preceding three (3) years, you are required to list each suit, action, claim, proceeding, or appeal which you have intervened in any court or other adjudicatory forum in the proceeding five years. (LIST ONLY REQUIRED IF PARTY FILING MOTION HAS BEEN ADJUDICATED INDIGENT TWICE IN THE PROCEEDING 3 YEARS.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Attach extra sheet(s) if necessary.

I \_\_\_\_\_ (insert name) assert that I am presently unable to pay court costs and fees, and under penalty of perjury, I swear or affirm that all statements in this affidavit are true and complete.

7. I understand that I may be required to make payments for fees and costs to the clerk in accordance with § 57.082(5) or § 57.085, Florida Statutes, as provided by law, although I may agree to pay more if I choose to do so.

8. A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under § 57.082, Florida Statutes, commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083, Florida Statutes. I attest that the information I have provided on this application is true and accurate to the best of my knowledge.

Signed this 24 day of November, 20 24.



Signature of Applicant for Indigent Status

SAMUEL LEE SMITH JR  
Print Name

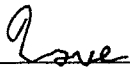
16614 SW 99 ct  
Miami, FL 33157

Address

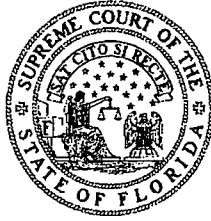
#### CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to Officer Leansi Horton  
Miami Dade Police Department, 9105 NW 25th Street  
Miami, Florida 33172

(insert name(s) and address(es) of attorney(s) and any unrepresented party(ies) in the case) by  
~~mail~~ Delivered this 24 day of November, 20 24.



Signature of Applicant for Indigent Status



# Supreme Court of Florida

Office of the Clerk  
500 South Duval Street  
Tallahassee, Florida 32399-1927

JOHN A. TOMASINO  
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MARK CLAYTON  
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JULIA BREEDING  
STAFF ATTORNEY

PHONE NUMBER: (850) 488-0125  
[www.floridasupremecourt.org](http://www.floridasupremecourt.org)

## ACKNOWLEDGMENT OF NEW CASE

Tuesday, December 3, 2024

RE: Samuel Lee Smith, Jr.,  
Petitioner(s)

v.

Leamsi Horta,  
Respondent(s)

Case Number: SC2024-1705  
Lower Tribunal Case Number(s): 3D2024-0139;  
132024DR000754A00104

Case Type: Discretionary Review - Notice to Invoke - Direct Conflict  
of Decisions

The Florida Supreme Court has received the following documents  
reflecting a filing date of November 27, 2024:

Notice of Appeal, treated as Notice to Invoke Discretionary  
Jurisdiction seeking review of opinion dated October 2, 2024, in  
which rehearing was denied November 13, 2024.  
Motion for Leave to Proceed In Forma Pauperis

Please be sure to register for your Appellate Case Information  
System (ACIS) account. For more information on registering please  
visit <https://www.flcourts.gov/ACIS>.

**CASE NO.: SC2024-1705**

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HON. JAVIER ENRIQUEZ  
LEAMSI HORTA  
SAMUEL LEE SMITH, JR.

# Supreme Court of Florida

TUESDAY, DECEMBER 3, 2024

Samuel Lee Smith, Jr.,  
Petitioner(s)

v.

Leamsi Horta,  
Respondent(s)

**SC2024-1705**

Lower Tribunal No(s).:

3D2024-0139;

132024DR000754A00104

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Petitioner's motion for leave to proceed in forma pauperis is hereby denied as moot.

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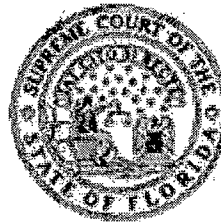
Test:

SC2024-1705 12/3/2024

John A. Tomasino

Clerk, Supreme Court

SC2024-1705 12/3/2024



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LEAMSI HORTA  
SAMUEL LEE SMITH, JR.