

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

CASE NUMBER: 35-2020-CF-002112-AXXX-XX

STATE OF FLORIDA

vs.

ANGEL ELIAS GASTON,
Defendant

2021 AUG 30 PM 3:44
CLERK OF CIRCUIT
AND COUNTY COURT
LAKE COUNTY
TAVARES FLORIDA

**ORDER STRIKING DEFENDANT'S PRO SE
PETITION FOR WRIT OF HABEAS CORPUS**

THIS CAUSE came before this Court for review and consideration at a competency review hearing on August 30, 2021, the outcome of which had implications for Defendant's *Petition for Writ of Habeas Corpus* filed *pro se* on June 28, 2021 ("Petition"). The Court, having reviewed the Petition and the record, having consulted the relevant legal authorities, and being otherwise fully advised in the premises, finds and concludes as follows:

1. On September 3, 2020, the Office of the Public Defender was appointed to represent Defendant. Wanda T. Greene, Assistant Public Defender, filed a Notice of Appearance on September 10, 2020, and she continues to represent Defendant.

2. On February 8, 2021, Defendant requested via written correspondence to this Court discharge of his counsel. That correspondence was treated as a Motion to Discharge Counsel, and Defendant was notified it was to be held in abeyance pending adjudication of his competency. Thus, Defendant remains represented by the Office of the Public Defender.

3. *Pro se* petitions filed by parties who are represented by counsel are nullities. *Smith v. State*, 758 So. 2d 741 (Fla. 5th DCA 2000). Accordingly, the Petition must be stricken.

4. Additionally, the Petition is **MOOT**, as Defendant has been adjudicated both competent to proceed and ineligible for continued involuntary commitment.

Based upon the forgoing, the pertinent portions of the record, and applicable law, it is **ORDERED** and **ADJUDGED** that the *Petition for Writ of Habeas Corpus*, filed *pro se* on June 28, 2021, is **STRICKEN**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 30th day of August 2021.



LARRY METZ, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been served this 30 day of August 2021 via US Mail/Florida Courts E-Filing Portal/hand delivery to:
Fifth Judicial Circuit Office of the State Attorney, Lake County
Fifth Judicial Circuit Office of the Public Defender, Lake County



DEPUTY CLERK