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CLERK OF CIRCUIT
AND COUNTY COURT
LAKE COUNTY
TAVARES, FLORIDA

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

STATE OF FLORIDA,

vs.

CASE NO: 35-2022-CF-003313-A

ARTHUR W. LEIBICH JR.,

Defendant.

ORDER STRIKING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

THIS CAUSE came before the Court upon the Defendant's Petition for Writ of Habeas Corpus filed on January 24, 2023 ("Defendant's Petition"). The Court, having reviewed the Defendant's Petition and other pertinent documents in the Court file, reviewed the relevant legal authorities, and being otherwise fully advised in the premises, finds and concludes as follows:

1. The Defendant is currently represented in this proceeding by Fifth Judicial Circuit Assistant Public Defender Carmalita Lall.
2. Defendant's Petition was filed *pro se* while he was represented by counsel, and therefore it is an unauthorized document. *See Logan v. State*, 846 So. 2d 472 (Fla.2003) (holding that a Defendant does not have the right to represent himself and be represented by counsel).
3. Pleadings filed by a defendant who is represented by an attorney are nullities and can be stricken. *See Logan; Burke v. State*, 732 So.2d 1194 (Fla 4th DCA 1999).

In view of the foregoing findings, the pertinent portions of the record, and the applicable law, it is **ORDERED** that Defendant's Petition for Writ of Habeas Corpus filed on January 24, 2023, is **STRICKEN**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 26th day of January 2023.




LARRY METZ, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been served by U.S. Mail/Inter-Office, Mail/Fax this 30 day of January 2023 to the following:

Office of the State Attorney

Arthur W. Leibich Jr.
Inmate ID #149989
Lake County Detention Center
551 West Main Street
Tavares, FL 32778

By: 

Deputy Clerk