

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

STATE OF FLORIDA,

vs.

CASE NO: 2006-CF-002552

LARRY DWAYNE ODUM,

Defendant.

ORDER DENYING 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 20, 2023 ("Defendant's Petition"), which the Court construes as a motion to correct an illegal sentence under Fla. R. Crim. Pro. 3.800. 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. On March 5, 2008, the Defendant was found guilty of vehicular homicide, reckless driving causing serious bodily injury, and was adjudicated as a habitual felony offender.
2. The Defendant was sentenced to 20 years for vehicular homicide and 5 years for reckless driving causing serious injury consecutively.
3. On March 10, 2008, the Defendant was resentenced *Nunc Pro Tunc*.
4. The Defendant appealed this resentencing, which was denied on September 22, 2008 and *per curiam affirmed* on March 17, 2009.
5. The Defendant filed a *pro se* Motion for Post-Conviction Relief on February 26, 2010. On January 10, 2011, the Defendant's Motion for Post-Conviction relief was denied.
6. The Defendant appealed the Denied Motion for Post-Conviction relief on January 31, 2011.
7. On September 9, 2011, the District Court of Appeal of the State of Florida for the Fifth District *reversed and remanded*, holding that the "trial court must enter a sentencing order that matches the oral pronouncement" from the March 5, 2008 sentencing. See, *Odum v State*, 74 So.3d 1098 (Fla. 5th DCA 2011).
8. On October 27, 2011, the Judgement and Sentences from March 5, 2008 and March 10, 2008 were vacated and set aside. The Judgement and Sentence for this case were then changed

to match the oral pronouncement of the Court at the sentencing of the Defendant from March 5, 2008.

9. On January 23, 2012, the Defendant filed a Motion to Correct an Illegal Sentence. There was a hearing set for March 9, 2012 at which the Defendant was resentenced.


10. The Defendant claims that the March 9, 2012, resentencing was “conducted outside of his presence” thus violating his due process rights, making his detention void, and he should be released.

11. A review of the Court record indicates that the Defendant was in fact present for this hearing. The Defendant was transported from Taylor Correctional Institute to the Lake County Jail for the March 9, 2012 proceeding, and the defendant was present for the March 9, 2012 resentencing hearing. See March 9, 2012 record sheet attached as exhibit A.

In view of the foregoing findings, the pertinent portions of the record, and applicable law, it is **ORDERED** and **ADJUDGED** that Defendant’s Petition for Writ of Habeas Corpus filed on January 20, 2023 is **DENIED**.

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 27th day of January 2023.

DEFENDANT HAS THIRTY (30) DAYS FROM THE DATE OF THIS ORDER TO FILE AN APPEAL. FAILURE TO TIMELY FILE AN APPEAL MAY RESULT IN THE FORFEITURE OF THAT RIGHT.



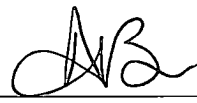
LARRY METZ, CIRCUIT JUDGE

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 31 day of January 2023 to the following:

Office of the State Attorney

Larry Dwayne Odum
Inmate ID # 217046
Lake Correctional Institution
19225 U.S. HWY 27
Clermont, FL 34715

By: 

Deputy Clerk

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STATE OF FLORIDA,

vs.

CASE NO:2006-CF-002552

LARRY DWAYNE ODUM,

Defendant.

EXHIBIT A
TO
ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS
CORPUS

I/c

CIRCUIT COURT IN AND FOR LAKE COUNTY, FLORIDA

CASE NUMBER: 2006 CF 002552
STATE OF FLORIDA
VS
ODUM; LARRY DWAYNE

DATE: 3/9/2012

CAUSE: MOTION HEARING - re-sentence
PROS ATTY: GREENBERG/SMOLLER/MURDY
DEF ATTY: MORRIS CARRANZA, PD
JUDGE: WILLIAM G LAW

Richard Singleton

- 1. Vehicular Homicide - Delayed death of Victim
- 2. Reckless driving cause serious bodily injury

DEFT PRES / NOT PRES **W M**
 ISSUE CAPIAS BOND FORFEITED ROR REVOKED
 BOND SET/REDUCED \$ _____
 CAPIAS W/DRAWN BOND REINSTATED
 FORFEITURE SET ASIDE

ARRAIGNMENT PLEA OF:
 NOT GUILTY ORAL WRITTEN
 PNC/SNT DATE _____
 ADJ INDIGENT NOT INDIGENT
 COURT APPOINTED COUNSEL
 CONT REQUEST OF DEFENSE / STATE / COURT

ARR / SNT
 REMANDED TO COUNTY COURT ANI TO BE FILED

PRE-TRIAL:
 REMAINS SET FOR TRIAL WEEK OF _____
 TRIAL/VOP CONT TO _____ TRIAL/VOP DOCKET
 OWST

SENTENCE PLEA: PLEA W/DRAWN: PLEA OF:
 GUILTY NOLO CONTENDERE ADMIT VOP/VOCC
 GUILTY/NOLO TO LESSER INCLUDED OFFENSE OF: _____

PLEA ACCEPTED: REVOKE PROB/CC
 ADJUDGED GUILTY **3.5.08**
 WITHHOLD ADJUDICATION
 TRIAL BY JURY ON: _____
 GUILTY
 NOT GUILTY
 JOA

DEFT ADVISED OF RIGHT TO APPEAL W/IN 30 DAYS
 COURT APPOINTED PUBL DEF. FOR APPEAL PURPOSES

RULING ON MOTION:
 PRO SE STATE DEFENSE
 GRANTED DENIED MOOT RESERVES RULING
 ntn to court illegal suit
 (3.800 ntn)

OTHER: * Both OK
 Court funds prev. Qualified
 AS HFO

* * Def to be transported back to DOC ASAP per Court

DISMISSAL: _____ NOLLE PROSEQUI IN OPEN COURT BY STATE / DISMISSED BY COURT

DONE AND ORDERED IN OPEN COURT THIS 9 DAY OF MARCH, 2012



CIRCUIT JUDGE / DEPUTY CLERK (NEIL KELLY, CLERK OF CIRCUIT COURT)

SENTENCE:
 DOC/JAIL SUSPENDED UPON
 DOC 2543 CF1; 543 CF2
 YR MIN/MAND APPLIES TO CT(S)
 HAD/VIOLENT OFFENDER YOA SEX PRED/OFFENDER
 JAIL: _____ MONTHS _____ DAYS TIME SERVED _____
 CONDITION OF PROBATION (JAIL)
 REMANDED TO LCJ HOUSE IN JV SECTION
 PROBATION/CC _____
 ADMIN. DOP SEX OFFENDER COUNTY
 PREVIOUS CONDITIONS IN EFFECT
 DEFT TO ENTER INTO PTI PROGRAM.
 COUNTS CONC / CONSEC 1 & 2
 CASE CONC / CONSEC _____

CREDIT:
 CTY JAIL TIME 3 PER LCJ GTE WTE DOC CREDIT
 SINCE VOP/VOCC ARREST ONLY IF VOP/VOCC OCCURS

SPECIAL CONDITIONS:
 SUB ABUSE/DRUG/ALCOHOL/PSYCH EVAL/REC TREATMENT
 EVAL W/IN _____ DAYS REC/TREAT W/IN _____ DAYS
 REMAIN IN LCJ UNTIL BED SPACE AVAILABLE
 RANDOM DRUG/URINE SCREEN CONSUME NO ALCOHOL
 TRESPASSED FROM _____
 ANGER MANAGEMENT COUNSELING _____ HOURS
 BATTERERS' INTERVENTION PROGRAM _____ WEEKS
 NO VICTIM CONTACT NO VIOLENT VICTIM CONTACT
 COMMUNITY SERVICE HOURS _____ JESSICA LUNS福德 ACT
 REMAIN IN LCJ PENDING PLACEMENT OF ANKLE MONITOR
 FORFEIT WEAPON TESTIFY TRUTHFULLY
 ADVISED OF IMMIGRATION STATUS / JIMMY RYCE ACT
 MAY PETITION FOR E/T AFTER _____ IF IN FULL COMPLIANCE
 REPORT TO PROB W/IN 24 HRS UPON RELEASE FROM LCJ
 COURT RECOMMENDS TRANSFER TO: _____
 DL REVOKED / SUSPENDED
 IGNITION INTERLOCK DEVICE _____
 VEHICLE IMMOBILIZATION / IMPOUNDMENT _____
 ATTEND / COMPLETE VAP DUI SCHOOL (ADVANCED)
 PSI ORDERED / WAIVED DOWNWARD DEPARTURE

FINES/COSTS:
 RESTITUTION \$ _____ J/S RESERVED
 INVESTIGATIVE COSTS \$ _____
 DRUG TESTING FEE PREVIOUS COSTS IN EFFECT
 COSTS ASSESSED COSTS TO BE PAID W/IN _____

03/09/2012
 pm
 lv # 206

09/09/2012