

2023 MAY 19 PM 4:02

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-001784-C

CHARLES CARTER,

Defendant.

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

THIS CAUSE came before the Court upon the Defendant's *Civil Petition for Writ of Habeas Corpus* filed in the above styled criminal felony action on April 17, 2023 ("Defendant's Civil Petition"). The Court, having reviewed the Defendant's Civil 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 by Attorney Eneid Bano in this criminal felony action.
2. Because the Defendant's Civil Petition was filed in this action and he is represented by counsel, it is an unauthorized document. *See Logan v. State*, 846 So. 2d 472 (Fla.2003) (holding a Defendant is not entitled to represent himself and have the assistance of counsel).
3. "[A] party may not be simultaneously represented by counsel and yet file *pro se* pleadings or petitions in the same case." *Gilbert v. Singletary*, 632 So. 2d 1104, 1104 (Fla. 4th DCA 1994).
4. To preserve an orderly and coherent court record, it is necessary that all parties represented by counsel submit all pleadings through their counsel.
5. Pleadings filed by a defendant who is represented by an attorney are nullities and subject to being stricken. *See Logan; Burke v. State*, 732 So.2d 1194 (Fla 4th DCA 1999).

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In view of the foregoing findings, the pertinent portions of the record, and the applicable law, it is **ORDERED** that Defendant's Civil Petition for Writ of Habeas Corpus filed on April 17, 2023, is **STRICKEN**.

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

DONE and **ORDERED** in Chambers at Tavares, Lake County, Florida this 19th day of May 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 22 day of May 2023 to the following:

Office of the State Attorney

Charles Carter
Inmate ID #3538
Lake County Detention Center
551 West Main Street
Tavares, FL 32778

Eneid Bano, Esq.
278 Wilshire Blvd
Casselberry, FL 32707
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By: 

Deputy Clerk