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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: 22-CM-000076-A

ZACHARY LUPINACCI,

Defendant.

ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

THIS CAUSE came before the Court for a hearing on February 9, 2023, upon the Defendant's Petition for Writ of Habeas Corpus filed on February 8, 2023 ("Defendant's Petition"). Defendant appeared via Zoom and was represented by Assistant Public Defender Javier Chavez. The State of Florida was represented by Assistant State Attorney Stephen Miller. 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 November 1, 2022, the Defendant was arrested on a State of Connecticut Warrant as a fugitive from justice.
2. On November 4, 2022, the Defendant signed a waiver of extradition to Connecticut.
3. On December 5, 2022, a mistake listing the wrong city and county in Connecticut for extradition was discovered in the extradition documents, and the State Attorney from Connecticut requested this Court hold another first appearance with the Defendant so he could sign the corrected documents.
4. On December 8, 2022, the Defendant refused to appear for his first appearance hearing.
5. On January 9, 2022, the Defendant appeared for a hearing before this Court but refused to sign the corrected waiver of extradition.
6. On February 8, 2023, the Defendant filed a Petition for Writ of Habeas Corpus, alleging he has been in-custody for 97 days since he was arraigned on the extradition warrant on November 4, 2022.

7. This matter was heard before this Court on February 9, 2023. The Court held that the Defendant's original arrest was valid, and the Defendant was given his options and chose to waive extradition. Subsequently, an error was discovered in the extradition documents, caused by Connecticut officials, which was addressed and corrected. However, the Defendant declined to sign the corrected waiver of extradition.

8. The time that the Defendant has been held in Florida was partly due to the error in the extradition documents and partly due to the Defendant's actions, change of mind and subsequent non-participation in hearings held since he originally waived extradition.

9. Once the Defendant changed his mind concerning the extradition, a demand was made by Connecticut's Governor upon the Governor of Florida to surrender the Defendant, and the Governor of Florida promptly initiated the necessary steps to comply. *See*, Sections 941.01-941.07, Fla. Stat.

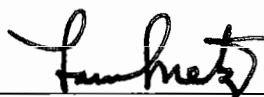
In view of the foregoing findings, the pertinent portions of the record, and the applicable law, it is **ORDERED** as follows:

A. Defendant's Petition for Writ of Habeas Corpus filed on February 8, 2023, is **DENIED WITHOUT PREJUDICE**.

B. If the Defendant is still in-custody in this Circuit, a status conference shall be held on **Thursday, February 22, 2023, at 1:30 p.m.**, before the undersigned circuit judge, in the Lake County Courthouse, 550 West Main Street, Tavares, Florida 32778, Courtroom 4B, Fourth Floor, East Wing, with Zoom attendance permitted.

C. Connecticut officials are requested to pick up the Defendant and remove him from Florida before February 22, 2023, if at all possible.

DONE and ORDERED in Chambers at Tavares, Lake County, Florida this 14th day of February 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 16 day of February 2023 to the following:

Office of the State Attorney Fifth Judicial Circuit of Florida 550 West Main Street – PO Box 7800 Tavares, FL 32778	Inspector Richard Lindberg Office of the State Attorney 1061 Main Street Bridgeport, CT 06604
Zachary Lupinacci Inmate ID #148909 Lake County Detention Center 551 West Main Street Tavares, FL 32778	Governor's Warrants/Extradition Unit Captain Michael Thomas <u>Michael.Thomas@ct.gov</u>

By: 
Deputy Clerk