

**IN THE CIRCUIT COURT, NINTH JUDICIAL
CIRCUIT, CRIMINAL JUSTICE DIVISION,
IN AND FOR ORANGE COUNTY, FLORIDA**

**STATE OF FLORIDA,
Plaintiff,**

**CASE NO. 22CF000688AOR
DIVISION 12**

vs.

**KELLI RENEE LYNCH,
Defendant.**

CERTIFICATION OF CONFLICT AND MOTION TO WITHDRAW

COMES NOW Robert Wesley, Public Defender, by and through the undersigned attorney, pursuant to Florida Statute 27.5303, the Rules Regulating the Florida Bar, Rules of Professional Conduct, the United States and Florida Constitutions, and, applicable case law, hereby respectfully moves this Honorable Court to enter its Order allowing the Public Defender to withdraw and appointing conflict free counsel to represent the Defendant. The Undersigned counsel hereby certifies that there exists a conflict of interest in the above-captioned case and that counsel cannot continue such representation. As grounds in support of this motion, counsel would show:

1. The Public Defender was appointed to represent the Defendant in the above-styled cause, where he/she is charged with: Fraud-Imperson-Use ID Of Another >50K and Grand Theft 2ND Degree (20,000 Or More) and Possession Of Unauthorized Driver License and False Proof Of Motor Vehicle Insurance and Using Fraud For Vehicle Purchase and Possession Of Counterfeit Drivers License and Uttering Forgery and Forgery and Possession Of Controlled Substance.

2. The Defendant's case is currently scheduled for Pre-Trial Conference on 05/19/2022 1:30 PM.

3. A conflict has arisen such that the Public Defender can no longer effectively represent the Defendant due to the fact that we represented, Mateusz Aleksander Bobowski, in 18-CF-003613-A-OS who is a Co-defendant in this case.

4. During the representation of Mateusz Aleksander Bobowski, the Public Defender's Office confidentially conferred with Mateusz Aleksander Bobowski and received confidential information. Mateusz Aleksander Bobowski has an absolute right to expect that the information given pursuant to the attorney/client privilege shall remain confidential.

5. There would be a conflict of interests for the Public Defender to continue to represent him/her as the interests of the Defendant and Mateusz Aleksander Bobowski are adverse, hostile and irreconcilable.

6. Rule 4-1.7(a) states that "a lawyer must not represent a client if:

- (1) the representation of 1 client will be directly adverse to another client; or
- (2) there is substantial risk that the representation of 1 or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person

or by a personal interest of the lawyer.”

7. The Defendant is entitled to Due Process and the denial of this motion will violate that right as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 9 of the Florida Constitution.

8. The Defendant is entitled to full, fair and unbiased representation and the denial of this motion will violate that right as guaranteed by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 2 and 16 of the Florida Constitution.

9. The Defendant is entitled to confront adverse witnesses both at trial and in pretrial preparation, and the denial of this motion will violate that right as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution, Article I, Sections 2 and 16 of the Florida Constitution and Rule 3.220 of the Florida Rules of Criminal Procedure.

10. This motion provides notice to the Clerk of Courts pursuant to § 27.5303, Fla. Stat. (2016).

The Public Defender respectfully requests that this Honorable Court grant this motion and appoint the conflict free counsel to represent the Defendant.

ROBERT WESLEY
PUBLIC DEFENDER

By:



Andrew Clark
Florida Bar No. 829331
Assistant Public Defender

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this original document has been E-Filed with the Clerk of Court through the E-Portal and a copy of the foregoing has been E-Served to the Office of the State Attorney, 415 North Orange Ave., Orlando, Florida 32801; and by mail delivery to Kelli Renee Lynch, 1824 Dorris Dr., Orlando, FL 32807, on April 14, 2022.

ROBERT WESLEY
PUBLIC DEFENDER

By:



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