

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA

CASE NO: 2022-CF-000688-A-O

STATE OF FLORIDA, Plaintiff

v/s

KELLI RENEE LYNCH

MOTION TO OBJECT & REQUEST APPOINTMENT OF NEW

HEREBY COMES the Defendant, Kelli Lynch, exercising the right to act Pro Se in accordance with US Statute 28 U.S.C. § 1654, and invoking Florida Rule of Criminal Procedure 3.170(f), submitting this request to the honorable court

FACTUAL BACKGROUND

1.

The current attorney of record filed a motion for withdrawal citing a conflict of interest. This conflict reportedly stems from the attorney's alleged inadequacy in apprising my client of the specific terms, most notably the mandatory minimum punishment in her plea agreement.

2.

Theoretical assertions behind my allegations bear substantial truth, especially considering the debate on punishment score sheets which coincided with discussions prior to and post the plea agreement. This dispute was as recent as the day before our prior court session, bolstering my unawareness of the mandatory minimum punishment the state pursued.

3.

The aforementioned disagreement has resulted in the attorney's attempt to withdraw from the case and cancel a consultation session following a postponed sentencing hearing. When I challenged his withdrawal without explanation, demanding clarity during a scheduled conference, and interrogated him on matters related to the plea agreement, the attorney refused to defend his performance. Upon learning of my grasp on the ineffective assistance of counsel and refusing to answer questions concerning the plea, the attorney turned hostile, evicted us from his office, asserted no intention of refunding the legal fee, and reiterated his withdrawal decision.

4.

The attorney hasn't made any effort towards providing necessary documentation or correspondence for the case. This is a clear violation of the Florida Rule of Criminal Procedure, and the lack of prior notification on his withdrawal further solidifies his omission; evident from the day-after court hearing withdrawal motion filing.

5.

The right to effective legal counsel, a fundamental aspect of our justice system, is paramount. Any denial of this right is detrimental to the 'fundamental principles of liberty and justice', as stated in *Franks v. State*, [Case Citation Needed].

6.

As outlined by *Harvey v. State*, [Case Citation Needed], when a defendant wishes to withdraw their plea pre-sentencing due to dissatisfaction with legal representation aligning with the counsel's conceded incapability to provide effective assistance, a vital conflict necessitating the appointment of a new, conflict-free counsel arises.

7.

A core principle in our legal framework mandates competent legal representation for defendants, particularly during pivotal proceedings, such as sentencing.

REQUEST

1.

Under the light of cited reasons and relevant case laws, it's imperative and legally justifiable for me to secure representation free of conflicts. The

ruling in *State v. Donald*, 198 Ariz. 406 (Ariz. Ct. App. 2000), upholds that when the State prompts plea negotiation proceedings, a defendant is bestowed a Sixth Amendment right to understand the implications fully before accepting or rejecting the plea offer. This ruling further establishes, "For such a claim to be considered, it must be substantiated by more than a generic assertion of counsel's inability to communicate the plea offer adequately or the repercussions of conviction. It isn't mandatory for the petitioner to offer substantial evidence, but specific, fact-based allegations, if authenticated as true, would entitle them to relief." The case concludes stating the State and the defendant should be allowed freedom to negotiate a renegotiated plea agreement. Respectfully, I put forth this motion for the Court's consideration, requesting an order for the appointment of a new attorney capable of engaging in credible and well-informed negotiations with the state.

I plead with the court to accept My Objection to Withdrawal, based on the purported claims cited above and appoint a new, conflict-free attorney to serve as representation to engage in credible and well-informed negotiations with the state.

KELLI RENEE LYNCH,

Defendant

A handwritten signature in black ink, appearing to read 'Kelli Renee Lynch', written in a cursive style.

November 2, 2023