

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

**DEFENDANT'S REQUEST FOR NEW ATTORNEY AND OBJECTION TO WITHDRAWAL**

Hereby, I 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), submits 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 allegedly arises from the attorney's failure to adequately inform myself of the specific terms, particularly the mandatory minimum punishment, in my plea agreement.
2. Theoretical assertions and evidence presented to the court substantiate the truth behind my claims. These claims are particularly significant in light of the ongoing debate on punishment score sheets, which were discussed both before and after the plea agreement. It is crucial to note that these discussions between myself and the attorney continued until the day prior to our previous court session. This persistence highlights the potential lack of awareness on the part of both myself and the attorney regarding the state's pursuit of a mandatory minimum punishment. Notably, this mandatory minimum punishment was neither thoroughly explained nor mentioned in the documents presented as the plea agreement.
3. The aforementioned disagreement has led to 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 and sought clarity during a scheduled conference, the attorney refused to defend his performance. Moreover, when I questioned him about matters related to the plea agreement, he became hostile, evicted us from his office, and never explained or clarified his actions.
4. The attorney has made no effort to provide necessary documentation or correspondence for the case, which is a clear violation of the Florida Rule of Criminal Procedure. Furthermore, his failure to provide prior notification of his withdrawal strengthens this allegation, as evidenced by the motion filed the day after the court hearing.

**LEGAL BASIS**

1. 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* 765

FILED IN OPEN COURT

11/3/23  
Clerk, Cir. Ct., Orange Co., FL

By \_\_\_\_\_

**2. As outlined in Harvey v. State 791 F.2d 294 (4th Cir. 1986), 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 significant conflict necessitating the appointment of a new, conflict-free counsel arises.**

**3. Competent legal representation for defendants, particularly during crucial proceedings like sentencing, is a core principle in our legal framework.**

## **REQUEST**

**1. Based on the cited reasons and relevant case laws, it is 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 initiates plea negotiation proceedings, a defendant is granted a Sixth Amendment right to fully understand the implications before accepting or rejecting the plea offer. This ruling further establishes that "specific, fact-based allegations, if authenticated as true, would entitle them to relief." The case concludes by stating that the State and the defendant should be allowed the freedom to negotiate a renegotiated plea agreement.**

**2. Therefore, respectfully, I submit 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 aforementioned claims, and appoint a new, conflict-free attorney to represent me in engaging in credible and well-informed negotiations with the state.**

KELLI RENEE LYNCH,

Defendant



November 2, 2023