

APPENDIX A

CASE SUMMARY

1.

ORDER DETERMINING DEFENDANT COMPETENT TO PROCEED

12.

ORDER APPOINTING STANDBY COUNSEL

13.

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

CASE NO. 2020-CA-010481-O
DIVISION 35

RODOLFO A. LOPEZ, JR.,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

ORDER DENYING PETITION
FOR WRIT OF HABEAS CORPUS

This matter came before the Court for consideration of the Petition for Writ of Habeas Corpus, filed on October 19, 2020. *See* § 79.01, Fla. Stat. Since Petitioner is incarcerated in the Orange County Jail, this Court has jurisdiction.

Petitioner's present detention relates to his pending criminal charges in case number 2016-CF-006170-A-O. Petitioner was extradited from the State of Indiana to face the charges in that case, and now argues that the State has failed to abide by the provisions of the Interstate Agreement on Detainers by not having him brought to trial within 120 days. *See* § 941.45(4)(c), Fla. Stat. For support, he further alleges that aside from determining competency, the Court did not "grant any reasonable or necessary continuance." Thus, he urges that he is being wrongfully detained.

The Court determines that Petitioner is not entitled to habeas relief. The court file in 2016-CF-006170-A-O reflects that Petitioner was extradited from Indiana to Florida on February 24, 2020. However, he had been previously declared incompetent to stand trial on February 20, 2017, and was not found to be competent to proceed until October 27, 2020. Petitioner overlooks that under section 941.45(6)(a), Florida Statutes, "In determining the duration and expiration dates of the time periods provided in Articles III and IV, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter." Under this statute, the 120 day time period in section 941.45(4)(c) was tolled until Petitioner was found competent to proceed on October 27, 2020.¹

Based on the foregoing, it is ORDERED and ADJUDGED that the Petition for Writ of Habeas Corpus is DENIED.

DONE AND ORDERED in Chambers in Orlando, Orange County, Florida, this 4th day of November, 2020.

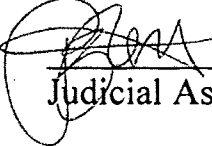


PATRICIA L. STROWBRIDGE
Circuit Judge

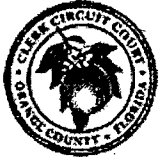
¹ A bench trial has been set for November 3, 2020 in 2016-CF-006170-A-O. Petitioner will be proceeding *pro se*, but the Public Defender has been appointed as standby counsel.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Order has been provided this 5th day of November, 2020 via U.S. Mail / e-mail to Rodolfo A. Lopez, Jr., #20005511, Orange County Jail, P.O. Box 4970, Orlando, FL 32802-4970; Office of the Public Defender, 435 N. Orange Ave., Orlando, FL 32801 at Division14@circuit9.org; Division 14, Office of the State Attorney, 415 N. Orange Ave., Orlando, FL 32801 at Division14@sao9.org.



Judicial Assistant



Orange County Clerk - Court Records Search

2016-CF-006170-A-O : STATE OF FLORIDA - VS - LOPEZ, RODOLFO A, JR

Case Type:	Criminal Felony	Date Filed:	5/13/2016
Location:	Div 14	UCN:	482016CF006170000AOX
Judge:	Tom Young	Status:	Reopened Other
Citation Number:	Criminal Felony	Appear By Date:	

Parties				
Name	DOB	Type	Attorney	Atty Phone
RODOLFO A LOPEZ JR	5/9/1983	Defendant		
STATE OF FLORIDA		Plaintiff		

Charge Details				
Offense Date	Charge	Plea Arrest	Disposition	Sentence
5/13/2016	1. THROWING DEADLY MISSILE AT, WITHIN, OR INTO AN OCCUPIED VEHICLE Statute: 790.19 Second Degree - Felony	2/24/2020 OBTS:8888888888 Sequence:1 Control Number:20-18006 Arresting Agency:Orange County Sheriff Office	5/21/2020 Other</br> 2/2/2017 Found Incompetent to Proceed	
5/13/2016	2. CR-CRIMINAL MISCHIEF (>\$1000) Statute: 806.13(1)(B)(3) Third Degree - Felony	5/13/2016 OBTS:8888888888 Sequence:2 Control Number:16-43347 Arresting Agency:Orange County Sheriff Office	5/21/2020 Other</br> 2/2/2017 Found Incompetent to Proceed	
5/13/2016	3. CR-RESISTING OFFICER WITHOUT VIOLENCE Statute: 843.02 First Degree - Misd	5/13/2016 OBTS:8888888888 Sequence:3 Control Number:16-43347 Arresting Agency:Orange County Sheriff Office	5/21/2020 Other</br> 2/2/2017 Found Incompetent to Proceed	
5/13/2016	4. CR-CRIMINAL MISCHIEF Statute: 806.13(1)(B)(1) Second Degree - Misd	5/13/2016 OBTS:8888888888 Sequence:4 Control Number:16-43347 Arresting Agency:Orange County Sheriff Office	5/21/2020 Other</br> 2/2/2017 Found Incompetent to Proceed	

Docket Events		
Date	Description	Pages
12/15/2020	HEARING - Trial - Young, Tom	
11/3/2020	HEARING - Trial - Young, Tom	
10/29/2020	Per the Court: Comments: -STATUS HELD -COURT STRIKES DMAND FOR SPEEDY TRIAL -DEFENDANT'S REQUEST FOR INDIGENT COST IS GRANTED -MOTION(S) HEARINGS PREVIOUSLY SET FOR 11/3/2020	
10/29/2020	Court Minutes Comments: -STANDBY COUNSEL WAS PRESENT (A. PARNELL)	
10/29/2020	Correspondence	1
10/29/2020	HEARING - Status Hearing - Young, Tom (Actual: Young, Tom)	
10/28/2020	Correspondence	1
10/27/2020	Order Declaring Defendant Competent to Proceed Comments: Emailed Post Court	1

APPENDIX A

Date	Description	Pages
10/27/2020	Order Appointing Public Defender	3
	Comments: AS STAND BY COUNSEL	
10/27/2020	Order Appointing Counsel	3
	Comments: STANDBY PD	
10/19/2020	Affidavit of Insolvency and Indigency	2
10/16/2020	Motion	3
	Comments: FOR FAILURE TO RULE ON A MOTION	
10/16/2020	Motion	3
	Comments: TO PROCEED INDIGENT BY THE COURT	
10/16/2020	Motion	8
	Comments: TO SET STATEMENT OF WITNESS "DEPOSITIONAL HEARING"	
10/16/2020	Motion	3
	Comments: TO SET HEARING "EVIDENTIARY" TO DISMISS CHARGES	
10/16/2020	Motion	3
	Comments: TO SET HEARING TO SUPPRESS EVIDENCE BY THE STATE/PROSECUTOR	
10/16/2020	Motion	3
	Comments: FOR BENCH TRIAL	
10/16/2020	Motion	3
	Comments: FOR CHANGE OF VENUE	
10/16/2020	Correspondence	1
10/15/2020	Order Setting Hearing	1
10/14/2020	Court Minutes	1
10/14/2020	Notice of Filing	2
	Comments: DISCLOSURES ABOUT SELF-REPRESENTATION	
10/14/2020	Motion to Discharge Pursuant to FL Rule 8.090 Speedy Trial	2
	Comments: EMAILED JA	
10/14/2020	HEARING - Trial Management Conference - Marques, Leticia (Actual: Marques, Leticia)	
10/14/2020	HEARING - Trial Management Conference - Young, Tom (Actual: Young, Tom)	
10/9/2020	Order Setting Hearing	2
	Comments: THE TIME FOR THE SESSION WAS NOT AVAILABLE.	
10/9/2020	HEARING - Trial Management Conference - Young, Tom	
10/8/2020	Notice of Provision of Witness List	1
10/7/2020	Order Setting Hearing	1
10/5/2020	HEARING - CANCELED-Cancelled Trial - Young, Tom	
10/2/2020	Motion for Discovery	2
10/2/2020	Motion	3
	Comments: TO DISCHARGE COUNSEL AND SET FARETTA HEARING	
9/29/2020	Motion to Dismiss	9
	Comments: WITH PREJUDICE FOR FAILURE TO PROSECUTE	
9/29/2020	Motion to Dismiss	10
	Comments: CT II CRIMINAL MISCHIEF	
9/29/2020	HEARING - CANCELED-Cancelled Trial Management Conference - Young, Tom	
9/22/2020	Per the Court:	
	Comments: -CASE TO BE PLACED ON TRIAL LIST	
9/22/2020	Court Minutes	1

Date	Description	Pages
9/22/2020	HEARING - Pre-Trial Conference - Young, Tom (Actual: Young, Tom)	
9/9/2020	Order	1
	Comments: FOR SUBSTITUTION OF COUNSEL WITH CONSENT- GRANTED	
9/4/2020	Petition or Motion for Substitution of Counsel	1
8/31/2020	Motion to Withdraw	2
8/24/2020	Notice of Appearance	2
	Comments: AND DESIGNATION OF EMAIL ADDRESS	
8/3/2020	Order	1
	Comments: STRIKING DEMAND FOR SPEED TRIAL	
8/3/2020	Order	1
	Comments: STRIKING DEFENDANT'S PRO SE MOTIONS	
7/31/2020	Motion to Dismiss	2
	Comments: WITH PREJUDICE	
7/31/2020	Motion	1
	Comments: TO RESET FARETTA HEARING	
7/31/2020	Motion to Dismiss	2
	Comments: W/PREJUDICE AND TO DISCHARGE COUNSEL	
7/31/2020	Demand	2
	Comments: /MOTION TO COMPEL FLORIDA SUPREME COURT ORDER SUSPENDING (TOLLING) SPEEDY TRIALS (RULE 3.191(1))	
7/31/2020	Motion to Discharge Pursuant to FL Rule 8.090 Speedy Trial	2
7/31/2020	Demand for Speedy Trial	1
7/8/2020	Motion	6
	Comments: TO SUBPOENA EVIDENCE/DOCUMENTS	
7/7/2020	Notice of Supplemental Discovery	1
7/2/2020	Order Striking	1
	Comments: DEMAND DOR SPEEDY DURING TOLLING PERIOD- STRICKEN	
7/2/2020	Order	1
	Comments: STRIKING DEFENDANT'S PRO SE MOTION - STRICKEN	
6/29/2020	Demand for Speedy Trial	1
6/29/2020	Motion to Dismiss	1
	Comments: WITH PREJUDICE FOR FAILURE TO PROSECUTE	
6/29/2020	Motion to Dismiss	1
6/29/2020	Motion	2
	Comments: TO SUBPOENA EVIDENCE/DOCUMENTS	
6/29/2020	Motion	1
	Comments: TO ADMIT AS EVIDENCE	
6/29/2020	Motion	1
	Comments: FOR FAILURE TO RULE ON MOTION	
6/29/2020	Motion	1
	Comments: TO RECEIVE ISSUED COPY OF PSYCHIATRIC OR PSYCHOLOGICAL EVALUATION (SEALED)	
6/29/2020	Motion	1
	Comments: FOR INDIGENCY STATUS	
6/29/2020	Petition or Motion for Change of Venue	1

Date	Description	Pages
6/29/2020	Motion	1
	Comments: FOR DEPOSITIONAL HEARING	
6/29/2020	Motion for Discovery	1
6/29/2020	HEARING - Hearing - Young, Tom	
6/15/2020	Order Allowing Defendant to Travel	1
	Comments: STRIKING DEMAND FOR SPEEDY DURING TOLLING PERIOD	
6/11/2020	Notice	1
	Comments: TO THE COURT OF DEMAND FOR SPEEDY TRIAL DEADLINE FILED 4/23/2020 FRCP 3.191(b) AND (e)	
6/11/2020	Agreement	1
	Comments: ON DETAINERS FILED 12/10/2019 MOTION FOR ORDER TO DISMISS WITH PREJUDICE	
6/11/2020	Motion to Dismiss	3
6/11/2020	Motion to Compel	2
	Comments: TRANSCRIPTS OF COURT HEARINGS	
6/11/2020	Demand for Speedy Trial	1
6/8/2020	Notice of Hearing	1
5/28/2020	Motion to Dismiss	4
5/28/2020	Motion	1
	Comments: DENYING VETERAN'S COURT	
5/28/2020	Motion	2
	Comments: BARRING CONTINUANCE	
5/28/2020	Motion to Compel	3
5/26/2020	Motion to Compel	2
5/22/2020	Evidence Control Sheet	1
5/21/2020	Disposition	
5/21/2020	Order Setting Pre-Trial Conference	4
5/21/2020	Per the Court:	
	Comments: The Defendant's Presence is REQUIRED at any Trial Management Conferences which May be Set.	
5/21/2020	Defense Witness Sworn and Testified	
	Comments: 1) REPORT DATED 3-16-2020 BY DR. DUROS - WITHOUT OBECTION FROM THE STATE. *TO BE SEALED*	
5/21/2020	Per the Court:	
	Comments: THE COURT ADJUDGED THE DEFENDANT COMPETENT TO PROCEED BASED UPON THE REPORTS RECEIVED AND REVIEWED. THE DEFENDANT'S REQUEST FOR A FARETTA INQUIRY IS TO BE SET WITH THE JUDICIAL ASSISTANT.	
5/21/2020	Court Minutes	2
5/21/2020	HEARING - Hearing - Young, Tom (Actual: Young, Tom)	
5/14/2020	Motion to Dismiss	3
5/14/2020	Request	1
	Comments: FOR INDIGENCY STATUS	
5/14/2020	Motion	1
	Comments: FOR BENCH TRIAL	
5/14/2020	Petition or Motion for Change of Venue	1
	Comments: /TO RECUSE	
5/14/2020	Motion	1
	Comments: TO STRIKE	

Date	Description	Pages
5/14/2020	HEARING - CANCELED-Cancelled Status Hearing - Young, Tom	
4/27/2020	State's Response	2
4/27/2020	Motion to Dismiss	4
	Comments: WITH PREJUDICE FOR FAILURE TO PROSECUTE - REF/JD	
4/27/2020	Motion	1
	Comments: TO REVISIT PLEA AGREEMENT - REF/JD	
4/27/2020	Motion for Discovery	1
	Comments: REF/JD	
4/23/2020	Motion	8
	Comments: REQUEST ISSUANCE OF SUBPOENA(S)	
4/23/2020	Motion	8
	Comments: FOR FAILURE TO RULE ON A MOTION	
4/23/2020	Motion to Discharge Pursuant to FL Rule 8.090 Speedy Trial	1
	Comments: REF/JD	
4/23/2020	Motion	1
	Comments: TO SUBPOENA EVIDENCE/DOCUMENTS (REF/JD)	
4/23/2020	Motion	1
	Comments: TO SUBPOENA EVIDENCE/DOCUMENTS (REF/JD)	
4/23/2020	Motion to Suppress	1
	Comments: EVIDENCE (REF/JD)	
4/23/2020	Motion to Dismiss	2
	Comments: CHARGE (REF/JD)	
4/23/2020	Request	2
	Comments: FOR DEPOSITIONAL HEARING OF WITNESSES	
4/23/2020	Motion to Dismiss	2
	Comments: BASED ON CONSTITUTION RIGHT (REF/JD)	
4/23/2020	Motion	1
	Comments: TO DISCHARGE COUNSEL AND SET FARETTA HEARING	
4/23/2020	Motion	1
	Comments: TO DISCHARGE COUNSEL	
4/23/2020	Demand for Speedy Trial	3
4/9/2020	HEARING - Status Hearing - Young, Tom	
3/30/2020	Motion	2
	Comments: for Failure to Rule on a Motion - Referred to Judge	
3/30/2020	Motion	2
	Comments: to Lift Warrant / Detainer Hold - Referred to Judge	
3/30/2020	Motion to Discharge Pursuant to FL Rule 8.090 Speedy Trial	2
	Comments: - Referred to Judge	
3/30/2020	Motion to Dismiss	3
	Comments: with Prejudice for Failure to Prosecute in a Timely Manner and Prejudice for Withholding Court Procedure - Referred to Judge	
3/25/2020	Returned Mail	2
3/24/2020	Order Setting Hearing	2
	Comments: RE-SETTING	

Date	Description	Pages
3/17/2020	Confidential Forensic Evaluation	4
3/17/2020	Notice of Confidential Information within Court Filing	1
3/16/2020	Motion	2
	Comments: TO DISCHARGE COUNSEL AND SET FARETTA HEARING	
3/12/2020	Court Minutes	2
3/12/2020	HEARING - Determination of New Trial Dates - Young, Tom (Actual: Young, Tom)	
2/28/2020	Order Directing	11
2/26/2020	Capias Returned Executed	2
2/26/2020	Notice Of Prisoner Transportation Costs	2
2/26/2020	First Appearance Information Sheet	1
2/25/2020	Advice to Defendant, First Appearance	1
2/25/2020	Court Minutes	2
	Comments: IA	
2/25/2020	Arrest Affidavit	4
2/6/2020	Request	2
	Comments: FOR JUDICIAL REVIEW	
1/7/2020	Order	7
	Comments: STRIKING DEFENDANT'S PRO SE MOTIONS- STRICKEN	
1/7/2020	Order Denying	6
	Comments: MOTION TO DISCHARGE COUNSEL	
12/17/2019	Motion	8
	Comments: TO ADMIT AS EVIDENCE	
12/17/2019	Motion to Suppress	1
	Comments: EVIDENCE	
12/17/2019	Motion	8
	Comments: TO ADMIT AS EVIDENCE	
12/17/2019	Motion	1
	Comments: REQUESTING ISSUANCE OF SUBPOENA	
12/17/2019	Motion to Dismiss	1
	Comments: WITH PREJUDICE FOR FAILURE TO PROSECUTE	
12/17/2019	Motion	1
	Comments: TO SUBPOENA EVIDENCE/DOCUMENTS	
12/17/2019	Motion	3
	Comments: TO SUBPOENA EVIDENCE/DOCUMENTS	
12/10/2019	Notice	10
	Comments: OF UNTRIED INDICTMENT, INFORMATION OR COMPLAINT AND OF RIGHT TO REQUEST DISPOSITION	
12/10/2019	Motion	3
	Comments: FOR PSYCHIATRIC OR PSYCHOLOGICAL EVALUATION	
12/10/2019	Motion	3
	Comments: TO DISCHARGE COUNSEL AND SET FARETTA HEARING	
12/10/2019	Petition	11
	Comments: FOR ORDER LIFTING DETAINER/HOLD (VERIFIED)	
12/10/2019	Motion	3
	Comments: FOR FAILURE TO RULE ON A MOTION	

Date	Description	Pages
12/10/2019	Motion to Dismiss	3
	Comments: CHARGE	
12/10/2019	Demand for Jury Trial	3
12/10/2019	Motion	3
	Comments: TO REVISIT PLEA AGREEMENT	
12/10/2019	Motion for Discovery	3
10/18/2019	Order Denying	5
	Comments: MOTIONS TO DISCHARGE COUNSEL - DENIED	
10/7/2019	Motion	2
	Comments: TO DISCHARGE COUNSEL	
7/31/2019	Order Denying	3
	Comments: MOTIONS TO DISCHARGE COUNSEL	
7/31/2019	Order Denying	2
	Comments: VERIFIED PETITION FOR ORDER LIFTING DETAINER/HOLD AND MOTION TO DISMISS FOR FAILURE TO PROSECUTE	
7/29/2019	Returned Mail	2
7/16/2019	Motion	6
	Comments: TO DISCHARGE COUNSEL (DUPLICATE)	
7/16/2019	Petition	7
	Comments: FOR ORDER LIFTING DETAINER/HOLD (VERIFIED)	
7/16/2019	Notice of Filing	2
	Comments: FAILURE TO RULE ON MOTION	
7/16/2019	Motion to Dismiss	2
	Comments: FOR FAILURE TO PROSECUTE	
7/16/2019	Motion	6
	Comments: TO DISCHARGE COUNSEL	
7/8/2019	Order Striking	2
	Comments: TO DISMISS CHARGE- STRICKEN	
6/25/2019	Motion to Dismiss	8
	Comments: BASED ON CONSTITUTION RIGHT	
6/11/2019	Order Striking	2
	Comments: PETITION FOR ORDER LIFTING DETAINER/HOLD IS STRICKEN	
6/10/2019	Motion to Dismiss	3
	Comments: CHARGE	
5/29/2019	Motion to Compel	48
	Comments: THE COURT FOR ORDER FOR DISCOVERY	
5/15/2019	Demand for Jury Trial	2
5/15/2019	Motion for Discovery	4
	Comments: ORDER	
5/15/2019	Motion to Compel	3
	Comments: PRODUCTION OF DOCUMENTS	
5/15/2019	Motion to Dismiss	3
	Comments: FOR FAILURE TO PROSECUTE	

Date	Description	Pages
5/15/2019	Petition	6
	Comments: FOR ORDER LIFTING DETAINER/HOLD	
4/8/2019	Motion to Compel	3
	Comments: THE COURT'S RESPONSE TO DEFENDANT REQUEST FOR FULL PRO SE STATUS	
4/1/2019	Motion	1
	Comments: FOR DISCOVERY ORDER	
4/1/2019	Motion	1
	Comments: TO SUBPOENA EVIDENCE	
4/1/2019	Motion	1
	Comments: TO SUBPOENA EVIDENCE	
4/1/2019	Response	2
3/14/2019	Motion for Discovery	1
2/11/2019	Order Denying	2
	Comments: PRO SE MOTION TO DISMISS	
1/30/2019	Notice of Change of Address	2
1/30/2019	Motion	2
	Comments: FOR PRO SE STATUS WITHOUT ASSISTANCE OF COUNSEL	
1/30/2019	Demand	3
	Comments: OF TRIAL BY JURY	
1/30/2019	Motion to Dismiss	2
10/8/2018	Order Dismissing Case	2
	Comments: DENIED	
10/4/2018	Motion to Dismiss	7
	Comments: THE CASE	
4/5/2018	Capias Issued Ret: Inst Bond \$	2
4/5/2018	Revoke Release	
4/5/2018	Issue Capias	
4/5/2018	Waiver of Speedy Trial	
4/5/2018	Court Minutes	1
4/5/2018	HEARING - Status Hearing - Marques, Leticia (Actual: Marques, Leticia)	
3/2/2018	Notice Setting Hearing	1
3/2/2018	HEARING - Hearing - Marques, Leticia	
9/7/2017	Per the Court:	
	Comments: Competency Status was held. Defendant is to continue complying with the conditional release order. **Defendant does not need to appear so long as Defense Counsel has defendant's contact information**	
9/7/2017	Court Minutes	2
9/7/2017	HEARING - Competency Hearing - Marques, Leticia (Actual: Marques, Leticia)	4
9/5/2017	Returned Mail	3
8/28/2017	Notice of Change of Address	1
	Comments: Notice of Filing	
8/24/2017	Email Correspondence	1
8/24/2017	Court Minutes	2
	Comments: Competency Status Held Defendant must appear for next court date.	
8/24/2017	HEARING - Competency Hearing - Marques, Leticia (Actual: Marques, Leticia)	3

Date	Description	Pages
3/13/2017	Motion Comments: for Pro se/Pro Per Status Under Reasonable Grounds that the Def has the Right to Pro se/Pro per Status & the Def Moves the Ct Under His own Constitutional Right & Will W/O Assistance of Counsel & Motions to Pro se/Pro per Status Hearing	7
2/20/2017	Order Finding Defendant Incompetent to Proceed and Placing Comments: on Conditional Release cc/Dockets	4
2/17/2017	Court Minutes	2
2/17/2017	HEARING - Status Hearing - Marques, Leticia (Actual: Marques, Leticia)	2
2/7/2017	Psychiatric or Psychological Evaluation	3
2/2/2017	Psychiatric or Psychological Evaluation Comments: Jacquelyn Olander dated January 17, 2017 - FILED IN OPEN COURT	3
2/2/2017	Disposition	
2/2/2017	Court Minutes Comments: Court Adopts Findings Defendant INCOMPETENT to Proceed	2
2/2/2017	HEARING - Competency Hearing - Marques, Leticia	
1/6/2017	Notice of Hearing	3
1/6/2017	Order Appointing Expert(s) FRCRP 3.210(B)	3
12/28/2016	Court Minutes	2
12/28/2016	HEARING - Status Hearing - Higbee, Heather L (Actual: Higbee, Heather L)	2
11/8/2016	Psychiatric or Psychological Evaluation Comments: Jeffrey Danziger dated October 21, 2016 - Filed in Open Court	6
11/8/2016	Court Minutes Comments: State to prepare an order to appoint Dr Olander to perform a 2nd evaluation. Dr Danziger report dated 10/21/16 filed and sealed.	2
11/8/2016	HEARING - Status Hearing - Higbee, Heather L (Actual: Higbee, Heather L)	2
9/29/2016	Court Minutes Comments: Speedy Told	1
9/29/2016	HEARING - Pre-Trial Conference - Higbee, Heather L (Actual: Higbee, Heather L)	2
9/28/2016	Motion or Suggestion to Determine Competency Comments: DEFENSE	3
9/28/2016	HEARING - Pre-Trial Conference - Higbee, Heather L	1
9/26/2016	Notice of Provision of Witness List	1
9/26/2016	Notice of Supplemental Discovery	1
9/16/2016	Notice of Provision of Witness List	1
9/16/2016	Per the Court: Comments: Due to New Discovery from the State, Defendant does not Wish to Discharge Attorney From the Case at this Time.	
9/16/2016	Court Minutes	1
9/16/2016	HEARING - Hearing - Higbee, Heather L (Actual: Higbee, Heather L)	2
9/12/2016	Notice of Hearing	1
8/26/2016	Notice of Intent to Participate in Discovery Comments: AND DEMAND FOR FAVORABLE AND IMPEACHMENT INFORMATION	4
8/16/2016	Court Minutes	2
8/16/2016	HEARING - In Jail Arraignment - Whitehead, Reginald K	
7/29/2016	Order Release on Own Recognizance Comments: DENIED	1
7/28/2016	Memorandum	1
7/28/2016	Information Filed	3

Date	Description	Pages
7/28/2016	Motion for Release on Recognizance	4
	Comments: DEFENSE	
7/27/2016	Written Plea of Not Guilty; Waiver of Arraignment	1
7/27/2016	Court Minutes	2
	Comments: IA	
7/26/2016	Court Minutes	2
	Comments: IA	
5/14/2016	Court Minutes	2
	Comments: IA	
5/14/2016	Advice to Defendant, First Appearance	1
5/14/2016	Complaint	2

Hearings

Date	Hearing	Time	Location	Pages
12/15/2020	Trial - Young, Tom	11:00 AM	Room 12-A On The 12th Floor	
11/3/2020	Trial - Young, Tom	9:00 AM	Room 12-A On The 12th Floor	
10/29/2020	Status Hearing - Young, Tom (Actual: Young, Tom)	10:45 AM	Room 12-A On The 12th Floor	
10/14/2020	Trial Management Conference - Young, Tom (Actual: Young, Tom)	9:45 AM	Room 12-A On The 12th Floor	
10/14/2020	Trial Management Conference - Marques, Leticia (Actual: Marques, Leticia)	1:45 PM	Room 6-D On The 6th Floor	
10/9/2020	Trial Management Conference - Young, Tom	1:30 PM	Room 12-A On The 12th Floor	
10/5/2020	CANCELED-Cancelled Trial - Young, Tom	9:00 AM	Room 12-A On The 12th Floor	
9/29/2020	CANCELED-Cancelled Trial Management Conference - Young, Tom	9:00 AM	Room 12-A On The 12th Floor	
9/22/2020	Pre-Trial Conference - Young, Tom (Actual: Young, Tom)	9:00 AM	Room 12-A On The 12th Floor	
6/29/2020	Hearing - Young, Tom	11:00 AM	Room 12-A On The 12th Floor	
5/21/2020	Hearing - Young, Tom (Actual: Young, Tom)	8:00 AM	Room 12-A On The 12th Floor	
5/14/2020	CANCELED-Cancelled Status Hearing - Young, Tom	9:00 AM	Room 12-A On The 12th Floor	
4/9/2020	Status Hearing - Young, Tom	9:00 AM	Room 12-A On The 12th Floor	
3/12/2020	Determination of New Trial Dates - Young, Tom (Actual: Young, Tom)	8:30 AM	Room 12-A On The 12th Floor	
4/5/2018	Status Hearing - Marques, Leticia (Actual: Marques, Leticia)	9:00 AM	Room 6-D On The 6th Floor	
3/2/2018	Hearing - Marques, Leticia	9:00 AM	Room 6-D On The 6th Floor	
9/7/2017	Competency Hearing - Marques, Leticia (Actual: Marques, Leticia)	9:00 AM	Room 6-D On The 6th Floor	4
8/24/2017	Competency Hearing - Marques, Leticia (Actual: Marques, Leticia)	9:00 AM	Room 6-D On The 6th Floor	3
2/17/2017	Status Hearing - Marques, Leticia (Actual: Marques, Leticia)	9:00 AM	Room 6-D On The 6th Floor	2
2/2/2017	Competency Hearing - Marques, Leticia	2:30 PM	Room 6-D On The 6th Floor	
12/28/2016	Status Hearing - Higbee, Heather L (Actual: Higbee, Heather L)	9:00 AM	Room 19-A on the 19th Floor	2
11/8/2016	Status Hearing - Higbee, Heather L (Actual: Higbee, Heather L)	9:00 AM	Room 19-A on the 19th Floor	2
9/29/2016	Pre-Trial Conference - Higbee, Heather L (Actual: Higbee, Heather L)	9:00 AM	Room 19-A on the 19th Floor	2
9/28/2016	Pre-Trial Conference - Higbee, Heather L	8:30 AM	Room 19-A on the 19th Floor	1
9/16/2016	Hearing - Higbee, Heather L (Actual: Higbee, Heather L)	9:30 AM	Room 19-A on the 19th Floor	2
8/16/2016	In Jail Arraignment - Whitehead, Reginald K	8:15 AM	Jail 3	

Financial

Date	Description	Payer	Amount
10/14/2020	Transaction Assessment		250.00
10/14/2020	Transaction Assessment		-250.00
10/19/2020	Transaction Assessment		50.00
Balance Due:			50.00

Bonds

Description	Status Date	Bond Status	Amount
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Warrants

Number	Status Description	Issue Date	Service Date	Recall Date	Expiration Date	Warrant Type
2016-CF-006170-A-O-1	Capias Returned Executed	4/5/2018	2/25/2020			Capias

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

STATE OF FLORIDA,
Plaintiff,

vs.

Case No. 2016-CF-006170-A-O
Division 14

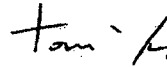
RODOLFO LOPEZ,
Defendant.

ORDER DETERMINING DEFENDANT COMPETENT TO PROCEED

This matter came before the Court on May 21, 2020, for a competency status hearing following a competency evaluation conducted by Rachel L. Duros, Ph.D. Counsel for both the Defendant and the State stipulated that, if called to testify, Dr. Duros would testify consistent with her report and would opine that Defendant is competent to proceed. The parties presented no other evidence.

After reviewing the expert report, hearing the statements of counsel, and conducting an independent review of the Court's file, the Court adjudicates Defendant competent to proceed and returns the case to the trial docket. See Court Order & Setting/Reset Notice (May 21, 2020) and Uniform Order Setting Pre-Trial Conference and Trial (May 21, 2020).

SO ORDERED on October 27, 2020.



eSigned by Thomas Young 10/27/2020 16:10:09 1e22CnH

Tom Young
Circuit Judge

Copies served to counsel electronically via the Florida Courts E-Filing Portal and to Defendant via U.S. Mail addressed to Rodolfo A. Lopez, Jr., 20005511 H-2C-21, P.O. Box 4970, Orlando, FL 32802-4970.

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

STATE OF FLORIDA,
Plaintiff,

vs.

Case No. 2016-CF-006170-A-O
Division 14

RODOLFO LOPEZ,
Defendant.

ORDER APPOINTING STANDBY COUNSEL

This matter came before the Court for review *sua sponte*. Having reviewed the court file and being otherwise fully informed in the premises, the Court finds as follows:

1. On or about February 24, 2020, Defendant was extradited to to Orange County, Florida from the Miami Correctional Facility in Bunker Hill, Indiana.
2. Before incarceration in Indiana, Defendant was the subject of competency proceedings in this Court and was represented by the Office of the Public Defender. The Court adjudicated Defendant incompetent on February 20, 2017.
3. Defendant failed to appear for a Competency/Conditional Release Status Hearing on April 5, 2018, at which time a *capias* issued.
4. Thereafter, while incarcerated in Indiana, Defendant filed numerous *pro se* motions, which were stricken as a nullity because the Office of the Public Defender represented Defendant at that time.
5. On May 21, 2020, the Court conducted a competency status hearing. After considering the statements of counsel, the parties' stipulation that Dr. Rachel L. Duros would testify consistent with her expert report, and reviewing the court file, the Court determined that Defendant was competent to proceed and returned the case to the trial docket.

6. Defendant requested to represent himself. As the result of limited court operations due to the coronavirus pandemic, the Court deferred conducting a *Faretta* hearing so that Defendant had the benefit of counsel until the case could be tried.
7. Defendant thereafter filed several more *pro se* motions, which the Court again struck as a nullity.
8. Defendant then retained private counsel, Jeffery S. Marshall, and a Motion for Substitution of Counsel was filed September 4, 2020. Defendant signed the necessary consent. The Court granted the motion for substitution on September 9, 2020.
9. On September 22, 2020, the Court placed this case on the trial list, where it would have been the third case called for jury trial after resumption of jury trials in the Ninth Judicial Circuit.
10. The Honorable Leticia Marques, administrative judge for the Ninth Judicial Circuit's Orange County criminal division, conducted a Trial Case Management Conference on October 14, 2020. At that hearing, Defendant requested to represent himself and waived his right to a jury trial. Judge Marques conducted a *Faretta* hearing, granted Defendant's motion to represent himself, relieved attorney Marshall as counsel of record, and returned the case from the Trial Division to Division 14 for a bench trial.
11. On October 15, 2020, this Court set the case for bench trial on November 3, 2020, at 9:00 a.m.
12. In the meantime, Defendant has filed several *pro se* motions, including a request to seek determination of indigent status for costs. Some of Defendant's motions are inconsistent with his representations to the Court that he is ready for trial.

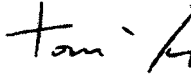
Accordingly, the Court concludes that:

- A. "[I]t is essential to the proper administration of criminal justice that dignity, order, and decorum be the hallmarks of all court proceedings. . . ." *Johnston v. State*, 27 So. 3d 11, 28 (Fla.) (quoting *Illinois v. Allen*, 397 U.S. 337, 343 (1970)), *cert. denied*, 562 U.S. 964 (2010).

B. Appointment of standby counsel will promote proper administration of criminal justice.

ORDERED AND ADJUDGED that the Office of the Public Defender is appointed to as standby counsel to assist Defendant, if Defendant so wishes or requires.

DONE AND ORDERED on October 27, 2020.



eSigned by Thomas Young 10/27/2020 15:52:14 HKgSV-0X

Tom Young
Circuit Judge

Copies served to counsel electronically via the Florida Courts E-Filing Portal and to Defendant via U.S. Mail addressed to Rodolfo A. Lopez, Jr., 20005511 H-2C-21, P.O. Box 4970, Orlando, FL 32802-4970.