

Supreme Court of Florida

MONDAY, AUGUST 7, 2023

Robert Edward Sindaco,
Petitioner(s)

v.

State of Florida,
Respondent(s)

SC2023-1097

Lower Tribunal No(s):

5D23-2106

642022CF300632XXXADB;

642021CF305656XXXADB

Petitioner's Notice to Invoke Discretionary Jurisdiction, seeking review of the order or opinion issued by the Fifth District Court of Appeal on July 12, 2023, is hereby dismissed. This Court lacks jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation or that merely cites to an authority that is not a case pending review in, or reversed or quashed by, this Court. *See Wheeler v. State*, 296 So. 3d 895 (Fla. 2020); *Wells v. State*, 132 So. 3d 1110 (Fla. 2014); *Jackson v. State*, 926 So. 2d 1262 (Fla. 2006); *Gandy v. State*, 846 So. 2d 1141 (Fla. 2003); *Stallworth v. Moore*, 827 So. 2d 974 (Fla. 2002); *Harrison v. Hyster Co.*, 515 So. 2d 1279 (Fla. 1987); *Dodi Publ'g Co. v. Editorial Am. S.A.*, 385 So. 2d 1369 (Fla. 1980); *Jenkins v. State*, 385 So. 2d 1356 (Fla. 1980).

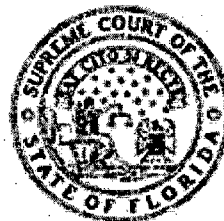
No motion for rehearing or reinstatement will be entertained by the Court.

A True Copy

Test:

SC2023-1097 8/7/2023

John A. Tomasino
Clerk, Supreme Court



IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

ROBERT E. SINDACO,

Petitioner,

v.

CASE NO. 5D23-2106
LT CASE NO. 2021-305656-CFDB,
2022-300632-CFDB

STATE OF FLORIDA,

Respondent.

_____/

DATE: July 12, 2023

BY ORDER OF THE COURT:

ORDERED that Petitioner's "Motion to Compel Evidence," filed June 28, 2023 (certificate of service date), is treated as the Response to the Court's Order to Show Cause of June 22, 2023. Upon consideration of Appellant's Response, filed June 28, 2023 (certificate of service date), it is

ORDERED that the original petition is dismissed.

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

Sandra B. Williams



SANDRA B. WILLIAMS, CLERK

Panel: Judges Eisnagle, Harris and Boatwright

cc:

Office of the Attorney
General

Robert E. Sindaco

Hon. Raul A. Zambrano

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

CASE NO.: 2021 305656 CFDB
2022 300632 CFDB

STATE OF FLORIDA

v.

ROBERT EDWARD SINDACO,

Defendant.

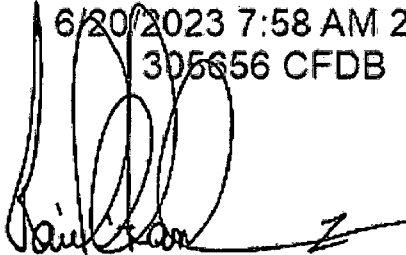
**ORDER STRIKING DEFENDANT'S *PRO SE* "MOTION TO SUBPOENA JAIL'S
VIDEO VISIT"**

THIS MATTER came before the Court upon Defendant's *pro se* "Motion to Subpoena Jail's Video Visit" filed on June 14, 2023. The Court having reviewed the motion, the court file, and being otherwise fully advised in the premises, hereby finds:

The Office of the Public Defender currently represents Defendant. There is "no Sixth Amendment right to simultaneously proceed *pro se* and with legal representation." *Sheppard v. State*, 17 So. 3d 275, 279 (Fla. 2009). Therefore, because Defendant had counsel at the time his *pro se* motion was filed, it is a legal nullity.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Defendant's *pro se* "Motion to Subpoena Jail's Video Visit" is **STRICKEN**.

DONE AND ORDERED in Chambers, in Volusia County, Daytona Beach, Florida.

6/20/2023 7:58 AM 2021
305656 CFDB


e-Signed 6/20/2023 7:58 AM 2021 305656 CFDB

RAUL A. ZAMBRANO
CIRCUIT COURT JUDGE

cc:

Kevin Sullivan, State Attorney

Robert Sindaco, Booking #1099441, VCBJ, 1300 Red John Drive, Daytona Beach, FL 32120

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TW

Served:

CRIMINAL APPEALS ATTORNEY GENERAL DAB
5DCA CLERK
VOLUSIA CLERK
ROBERT EDWARD SINDACO
HON. RAUL ANTONIO ZAMBRANO