

IN THE
SECOND JUDICIAL CIRCUIT COURT
GADSDEN COUNTY, FLORIDA

STATE OF FLORIDA, Plaintiff, v. MIGUEL ANGEL LOPEZ, Defendant.	Case No. 2016-CF-191
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**ORDER GRANTING THE DEFENDANT'S FLORIDA RULE OF
CRIMINAL PROCEDURE 3.850 MOTION**

This cause came before the Court on the Defendant's Florida Rule of Criminal Procedure 3.850 motion to vacate/set aside his no contest plea entered on April 5, 2017. An evidentiary hearing on the motion was held on July 13, 2017. For the reasons stated on the record at the conclusion of the July 13, 2017, hearing, and after applying the standards set forth in *Padilla v. Kentucky*, 559 U.S. 356 (2010), and *Strickland v. Washington*, 466 U.S. 668 (1984), the Court concludes that the Defendant was denied his due process right to make a knowing, intelligent, and voluntary decision regarding his no contest plea (in violation of the Fifth Amendment to the United States Constitution) and denied his right of effective assistance of

counsel (in violation of the Sixth Amendment to the United States Constitution). Accordingly, the Court GRANTS the Defendant's rule 3.850 motion and the Court vacates/sets aside the Defendant's previously-entered no contest plea. This matter is set for a case management conference on September 6, 2017 at 9 a.m.

DONE AND ORDERED this 14th day of July, 2017.



The Honorable Barbara K. Hobbs
Circuit Judge

Copies furnished to:

Michael Ufferman, Counsel for the Defendant
Assistant State Attorney Jessica Tehlirian