

>> ALL RISE.

HEAR YE HEAR YE HEAR YE..THE SUPREME COURT OF FLORIDA IS NOW IN SESSION. ALL WHO HAVE CAUSE TO PLEA, DRAW NEAR. GIVE ATTENTION. YOU SHALL BE HEARD. GOD SAVE THESE UNITED STATES, THE GREAT STATE OF FLORIDA, AND THIS HONORABLE COURT.

LADIES AND GENTLEMEN, THE SUPREME COURT OF FLORIDA. PLEASE BE SEATED

>> Chief Justice Carlos Muniz: GOOD MORNING WELCOME TO THE FLORIDA SUPREME COURT OUR FIRST CASE AND OUR ONLY CASE TODAY 2023-0539.

LORENZO v. STATE OF FLORIDA.

>> Victoria Wiggins,Appellant: THANK YOU.

[UNCLEAR AUDIO].

>> Justice: COUNSEL IF I MAY I AGREE WITH YOU THAT THE RECORD SHOWS YOUR CLIENT HAD COURT APPROPRIATE BEHAVIOR. IT ALSO SHOWS YOUR CLIENT WAS CONVICTED IN THE FEDERAL CASE. WHILE THE RECORD DOESN'T CONTAIN ANY RECORDS OF THE FEDERAL COMPETENCY DETERMINATION WE DO HAVE HIS FEDERAL CONVICTION AS A MATTER OF RECORD. THUS WE CAN ONLY ASSUME THAT HE WAS COMPETENT IN THE FEDERAL PROCEEDINGS. WHAT DO YOU HAVE TO SAY ABOUT THAT?

>> Victoria Wiggins,Appellant: HE WAS REPRESENTED IN THAT CASE YOUR HONOR. THE STATE CALLED AN INDEPENDENT JURY. TO ENSURE THE LEGITIMACY OF THE PROCEEDINGS.

[UNCLEAR AUDIO].

>> Chief Justice Carlos Muniz: THE MITIGATION

TACTICS PREPARED BY STANDBY COUNSEL IT WAS PREPARED BY STANDBY COUNSEL EARLY ON IN THE CASE WHEN HE WAS FIRST APPOINTED.

HE WAS TRYING TO NEGOTIATE WITH THE PROSECUTOR TO SEE IF HE COULD GET A LIFE SENTENCE.

THE FACTS OF THIS CASE AND THE MITIGATORS ARE EXTREMELY STRONG YOU HAVE HAC YOU HAVE CCV AMONG OTHERS.

THE FIRST THING I WOULD RECALL FROM GOING TO THE SEMINARS IS YOU HAVE TO SAVE THE GUYS LIFE. THAT IS WHAT THE STANDBY COUNSEL WAS TRYING TO DO WAS TRYING TO DO. GET A PLEA AND GET THIS CASE DONE.

IT WAS GOING TO GET UGLY AT TRIAL.

THAT IS WHERE IT STARTED, WAY AT THE BEGINNING.

AS THE MEMO TO THE PROSECUTOR HOPEFULLY COULD CONVINCHE HIM TO OFFER A LIFE SENTENCE. THEN OF COURSE IT WAS LATER CONSIDERED BUT AT THE SPENCER HEARING LORENZO SAID A WHOLE BUNCH OF THINGS WHERE HE SAYS SOMETHING TO THE EFFECT OF OKAY I DIDN'T WANT IT IN THERE. NOW THAT IT IS IN THERE IT IS PART OF THE PACKAGE IT CAN ONLY HELP ME. IN A SENSE HE OBJECTED TO IT. IN

THE END HE WAS GLAD IT WAS IN THERE.

>> Victoria Wiggins,Appellant: YES. [UNCLEAR AUDIO]
ARE THERE ARE THERE ANY QUESTIONS? THANK YOU.

>> Stephen D. Ake,Appellee: MAY IT PLEASE THE COURT. ASSISTANT ATTORNEY
GENERAL STEPHEN D. AKE ON BEHALF OF THE STATE OF FLORIDA.
THE STATE SUBMITS THE TRIAL COURT PROPERLY ALLOWED THE APPELLANT TO
PROCEED PRO SE IN THIS CASE. THE RECORD CLEARLY ESTABLISHES THAT HE HAD
A RATIONAL FACTUAL UNDERSTANDING OF THESE PROCEEDINGS.

>> Chief Justice Carlos Muniz: HOW DO YOU SQUARE THAT WITH HIS REPEATED
ASSERTIONS HE THOUGHT THIS WAS A COMMERCIAL CASE.

>> Stephen D. Ake,Appellee: HE BEGAN THIS CASE AT HIS ARRAIGNMENT WITH THE
SOVEREIGN CITIZENS LEGAL THEORIES.HE KEPT THAT UP FOR PUBLIC ONE YEAR OR
A YEAR AND HALF THE SOVEREIGN CITIZEN ARGUMENT.
EVEN WHEN HE WAS MAKING THOSE AT HIS ARRAIGNMENT AT THE VERY SECOND
HEARING WHEN THE COURT APPOINTED THE COMPETENCY COUNSEL THE
DEFENDANT SAID THE TRIAL JUDGE SAID THAT THIS A CRIMINAL MATTER HE SAID OF
COURSE I UNDERSTAND THAT. I DON'T ACCEPT IT.

I THINK THAT'S HIS POSITION I THINK AT ONE OF THE HEARINGS TOWARDS THE END
WHEN HE STARTED COMING OFF THE SOVEREIGN CITIZEN THING. HE MADE THE
COMMENT HE WAS JUST BORED IN JAIL AND HAD TOO MUCH TIME ON HIS HANDS. I
THINK THAT'S WHY HE WAS PURSUING THIS. IT IS CLEAR EVEN IN THE FIRST YEAR OR
YEAR AND HALF WHEN HE'S MAKING ALL OF THE SOVEREIGN CITIZEN CLAIMS HE IS
ALSO MAKING DISCOVERY REQUESTS. HE IS AWARE OF SPEEDY TRIAL. HE WAVES
SPEEDY TRIAL HE GETS MITIGATION . EXPERTS APPOINTED. HE'S DOING EVERYTHING
TO PROGRESS THIS CASE ALONG BECAUSE AT THAT TIME IT WAS SET FOR TRIAL IN
VARIOUS STATES. UNTIL THE PANDEMIC HIT WHICH CAUSED MASSIVE DELAYS.
EVEN DURING THAT TIME. IN ALL OF THESE HEARINGS HE'S MAKING VERY COGENT
LEGAL ARGUMENTS AND PROCEEDING WITH THE CASE AS IT PROGRESSES
ULTIMATELY TO WHERE IT LED.

HE FILED A NUMBER OF THINGS THAT CLEARLY MADE SENSE. AND SHOWED HE
UNDERSTOOD WHAT WAS GOING ON. I WOULD POINT OUT THE BOTH OF HIS STANDBY
COUNSELS WHO DEALT WITH HIM PRACTICALLY FROM THE ARRAIGNMENT ON, BOTH
COMMENTED ON THE RECORD THEY HAD ZERO CONCERNS ABOUT HIS
COMPETENCY IN THIS CASE.

ON TOP OF THAT YOU HAD TWO DIFFERENT PROSECUTORS PRAISING HIS LEGAL
FILINGS AND HIS INTELLIGENT AND WELL WRITTEN PLEADINGS. AND AT THE TRIAL,
THE JUDGE ALSO COMMENTED ON HOW WELL THE DEFENDANT UNDERSTOOD.

>> Chief Justice Carlos Muniz: I STRUGGLED WITH TRYING TO GET THE CHRONOLOGY RIGHT FROM THE RECORD. CAN YOU MAYBE WALK US THROUGH FROM THE TIME OF THESE OFFENSES TO THE TIME OF CONVICTION. HOW THAT OVERLAYS WITH THE FEDERAL PROCEEDINGS BECAUSE OF COURSE WHILE WE ARE NOT CONSIDERING ANYTHING ABOUT THE FEDERAL PROCEEDINGS, I DO FIND IT INTERESTING THAT THERE WERE THESE PARALLEL PROCEEDINGS THAT ALSO WOULD'VE INVOLVED SOME COMPETENCY DETERMINATION AND THE RECORD DOES NOT REVEAL ANY EFFORT TO BUILD ON THOSE EFFORTS IN THIS CASE. I THINK JUST UNDERSTANDING THE CHRONOLOGY MIGHT HELP ME UNDERSTAND WHAT THAT MIGHT HAPPEN.

>> Stephen D. Ake, Appellee: THE MURDERERS WERE IN LATE 2003 DECEMBER, CHRISTMAS. I BELIEVE THE FEDERAL CASE BEGAN AROUND 2005. I PRINTED THE DOCKET SHEET OF THAT AND WENT THROUGH THAT. IT PROGRESSED FAIRLY QUICKLY. I BELIEVE HE WAS SENTENCED IN 2006 MAYBE OR THERE ABOUT.

>> Justice: WHEN WAS HE CHARGED WITH THESE MURDERS?

>> Stephen D. Ake, Appellee: HE WAS CHARGED IN FEDERAL COURT THESE MURDERS.

>> Justice Charles Canady: [UNCLEAR AUDIO]

>> Stephen D. Ake, Appellee: IN 2016 HE WAS INDICTED HE WAS NOT ARRAIGNED UNTIL 2017. IT WAS HELD UNDER SEAL. I'M NOT SURE WHAT WAS GOING ON DURING THAT TIME FRAME. AS FAR AS YOUR HONORS QUESTION THE FEDERAL SYSTEM I DID NOT SEE ANYTHING IN THE DOCKET SHEET THAT INDICATED ANYTHING REGARDING COMPETENCY I DON'T THINK THEY INCORPORATED THAT IN THE STATE PROCEEDINGS WHATSOEVER. AS TO ANYTHING LIKE THAT.

[LISTING NAMES] WHEN HE WENT TO EVALUATE HIM FOR COMPETENCY I DON'T BELIEVE HE LOOKED AT ANY OF THE FEDERAL THINGS ALTHOUGH THE PARTIES DID OBTAIN TRANSCRIPTS OF SOME OF THE TRIAL PROCEEDINGS AT THE FEDERAL LEVEL AND UTILIZED THOSE CERTAINLY THEY UTILIZED THEM IN THE PENALTY PHASE. THAT WAS THE BASIS FOR DISCOVERY THAT THE APPELLANT WAS REQUESTING THOSE TRANSCRIPTS. BASICALLY THIS CASE COINCIDED WITH THE PANDEMIC IT HAD A VERY VERY LENGTHY DELAY BECAUSE WHEN HE WAS REPRESENTING HIMSELF PRO SE HE COULD NOT GET THE VOLUMINOUS DISCOVERY IN HIS JAIL CELL. HE HAD TO WORK WITH STANDBY COUNSEL AND WHAT HAVE YOU. THEY WERE ABLE TO OBTAIN A MASSIVE AMOUNT OF DISCOVERY AND THE APPELLANT WAS SPECIFICALLY REQUESTING THE FEDERAL MATERIALS . ONCE HE GOT ALL OF THIS DISCOVERY, THAT WAS HIS WHOLE PLAN BASICALLY, HE WANTED TO GET EVERYTHING AND REVIEW IT AND THAT'S WHEN HE DECIDED TO CHANGE HIS PLEA IN THIS CASE.

I BELIEVE GETTING BACK TO THE COMPETENCY THING. THE PLEA HEARING VERY

THOROUGH I THINK IT'S ABUNDANTLY CLEAR THAT THE TRIAL COURT DIDN'T ABUSE ITS DISCRETION IN THIS CASE BECAUSE HE TOTALLY UNDERSTOOD WHAT WAS GOING ON THROUGHOUT THIS CASE.

>> Justice:

[LISTING NAMES] IS THAT HOW YOU PRONOUNCE HIS NAME. [LISTING NAMES]. HE CONSIDERED -THE DEFENDANT IN THIS CASE WOULD NOT MEET WITH HIM. SO HE COULDN'T CONDUCT A PROPER EXAMINATION OR EVALUATION. BUT HE DID WATCH HIM. SUPPOSEDLY A TRIAL AND HE SHOWED UP OR WHEREVER HE COULD. HE DID MAKE A DETERMINATION THIS WHOLE BUSINESS ABOUT THE WHITE SUPREMACY THING. THAT WAS MR. LORENZO WAS PLAYING THE SYSTEM AND TRYING TO STALL.

>> Stephen D. Ake,Appellee: THAT WAS THE DOCTOR'S BELIEF THAT THAT WAS WHAT WAS GOING ON. AS YOU POINTED OUT YOUR HONOR HE DID NOT SPEAK WITH THE APPELLANT IN ANY MAJOR CAPACITY WHEN HE WENT TO VISIT HIM AT THE JAIL, HE DID SPEAK TO THE CORRECTIONS OFFICER THAT WERE IN CHARGE OF HIM AND HE SPOKE WITH STANDBY COUNSEL QUITE A BIT. AS TO WHAT WAS GOING ON IN THIS PROCEEDINGS AND REVIEWED OTHER MATERIALS AND HE FOUND HIM COMPETENT. OF COURSE THE TRIAL COURT DID TOO.

>> Justice: AS FAR AS COMPETENCY THE COLLOQUY CONDUCTED DURING THE GUILTY PLEA, IT SEEMS THE JUDGE CONDUCTED FARETTA TYPE INQUIRIES NOT JUST IN THE COMPETENCY BUT THROUGHOUT EVERY HEARING PRACTICALLY. THAT'S A TIRESOME THING TO DO BUT HE JUST KEPT DOING IT. ACTUALLY KEPT ASKING HIM ARE YOU SURE YOU WANT TO DO THIS OR DO THIS? THAT KIND OF THING. INTERESTINGLY ENOUGH THE ONLY THING MR LORENZO FOUND CONFLICT WITH WAS SOME MINOR DETAILS WHEN THE PROSECUTOR PROVIDED A FACTUAL BASIS FOR THE GUILTY PLEA. THEN ONCE THE PROSECUTOR FINISHED MR. LORENZO'S STATEMENT WAS DEAD ON THAT'S THE WORDS HE USED IT WAS DEAD ON WITH FINAL DETAILS. AS FAR AS COMPETENCY IS CONCERNED I JUST DON'T SEE ANY SITUATION THERE THAT SHOWS THAT HE WAS NOT COMPETENT IF ANYTHING HE WAS AN ACTIVE PARTICIPANT IN HIS ENTIRE DEFENSE.

>> Stephen D. Ake,Appellee: HE WAS VERY ACTIVE AS I POINTED OUT HE MADE VERY RELEVANT AND COGENT LEGAL ARGUMENTS AND REQUESTS TO THE TRIAL COURT THROUGHOUT THESE PROCEEDINGS. I DON'T THINK THERE IS ANY QUESTION THAT HE WAS COMPETENT THROUGHOUT THESE. AS TO THE SECOND ISSUE WITH THE MITIGATION PACKET THAT WAS PREPARED BY STANDBY COUNSEL THAT WAS GIVEN TO THE STATE I BELIEVE ABOUT TWO AND A HALF, THREE YEARS BEFORE THE CHANGE OF THE PLEA.

I POINT OUT THAT I QUESTION WHETHER HE PRESERVED THIS BECAUSE MR. LORENZO STATED HE WAS OBJECTING TO THAT AT A HEARING TWO MONTHS BEFORE THE PENALTY PHASE AND THE TRIAL JUDGE JUST SAID WE WILL TAKE THAT UP WHEN WE GET TO IT. AT THE ACTUAL PENALTY PHASE MR. LORENZO NEVER OBJECTED AGAIN WHEN THE COURT REQUESTED THE STATE PROVIDE THAT REPORT TO HIM.

>> Justice: WHAT IS YOUR RESPONSE TO COUNSEL'S ARGUMENT THAT HE DID NOT HAVE ANY OPTIONS THAT AT THAT POINT WE SHOULD TREAT IT AS AN ALTERNATE IF YOU'RE GOING TO ACCEPT IT I'M GOING TO ARGUE THAT THE OBJECTION WAS STILL VALID.

>> Stephen D. Ake, Appellee: ONE, HE HAD TIME TO THINK ABOUT IT HE WAS AWARE THE MOHAMMED REQUIRED THE TRIAL COURT TO DO THIS. HE POINTED THAT OUT I BELIEVE JUSTICE LABARGA SAID THAT AT THE SPENCER HEARING. HE SAID I DIDN'T REALLY WANT YOU TO DO IT AT THE TIME BUT YOU'RE RIGHT FLORIDA SUPREME COURT IS GOING TO BACK YOU UP IN THIS. YOU HAD TO DO IT. THE TRIAL COURT SPECIFICALLY TOLD HIM WHEN HE DID OBJECT TWO MONTHS EARLIER WE WILL TAKE THIS UP AT THE PENALTY PHASE. I THINK IT WAS INCUMBENT UPON HIM, THEY TALK ABOUT THREE DIFFERENT TIMES AT THE PENALTY PHASE AND HE NEVER SAID I'M RENEWING THAT OBJECTION THAT I HAD TO IT.

IT I THINK HE CHANGED HIS MIND AND WAS AWARE THAT THE COURT HAD AN OBLIGATION UNDER MOHAMMED TO REQUIRE THE STATE TO TURN OVER THAT EVIDENCE. AND IF THE COURT WAS FOLLOWING MOHAMMED.

MR. LORENZO SAID HE WANTED A DEATH SENTENCE. HE WAS NOT GOING TO PRESENT ANY MITIGATION AT THE PENALTY PHASE. UNDER THIS COURT'S CASE LAW THE TRIAL JUDGE HAD TO ORDER THE STATE TO PROVIDE ANY MITIGATION IN ITS POSSESSION WHICH STANDBY COUNSEL WHEN HE PREPARED THAT THREE YEARS EARLIER SAID IT WAS AT THE DEFENDANT'S REQUEST THAT HE WAS DOING IT. THAT IS EVIDENCE THE STATE HAS IN ITS POSSESSION UNDER MOHAMMED THE COURT IS REQUIRED TO LOOK AT IN SENTENCING MR. LORENZO -THE TRIAL JUDGE DID NOT UTILIZE THAT PACKET VERY MUCH.

IN FACT HE REJECTED NUMBER OF MITIGATORS PRESENTED IN THAT. THERE WAS NO EVIDENCE TO CORROBORATE IT.

HE DID UTILIZE THE PACKET AND FOUND SOME OF THE NON STATUTORY MITIGATORS USED IN CONJUNCTION WITH OTHER ITEMS IN THE RECORD TO SHOW THEY HAD BEEN ESTABLISHED. I DON'T BELIEVE THE COURT COMMITTED AN ERROR IN THIS CASE BY REQUIRING THE STATE TO TURN THAT PACKET OVER.

IF THEY ARE NO FURTHER QUESTION THE STATE WOULD ASK THAT THIS COURT AFFIRM THIS JUDGMENT AND SENTENCE.

>> Chief Justice Carlos Muniz: THANK YOU.

>> Victoria Wiggins,Appellant: [UNCLEAR AUDIO]
THANK YOU.

>> Chief Justice Carlos Muniz: THANK YOU VERY MUCH WE ARE ADJOURNED FOR
TODAY.