

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

<b>STATE OF FLORIDA,</b>	)	CASE NO.: 18-1958CF10A
	)	
Plaintiff,	)	
	)	
v.	)	JUDGE: SCHERER
	)	
<b>NIKOLAS CRUZ,</b>	)	
	)	
<u>Defendant.</u>	)	

**ORDER DENYING OFFICE OF THE PUBLIC DEFENDER'S MOTION TO WITHDRAW  
(D-56)**

**THIS CAUSE** comes before the Court upon a Motion to Withdraw filed by the Office of the Public Defender ("the public defender"). Having considered the instant motion, the State's response (SF-48), arguments parties heard at a hearing held on May 1, 2019, applicable law, and being otherwise fully advised in the premises, this Court finds as follows:

In the instant motion, filed on April 24, 2019, the Public Defender seeks to withdraw from representation in the instant case because it has become aware that Defendant is a 50% beneficiary of a MetLife life insurance policy (which is actually an annuity) then valued at almost \$865,000.

On April 26, 2019, the Office of the State Attorney filed a response to the motion, arguing that the motion must be denied for numerous reasons, including the fact that Defendant's liabilities were not considered, the cost of trying this case was not considered, and that Defendant's access to the 50% portion of the funds was not demonstrated in light of the several lawsuits and judgments that are pending against him.

On May 1, 2019, this Court held a hearing in order to hear argument regarding the motion to withdraw. This Court heard argument from counsel for Defendant, the State, Jeannine Jacobson (the attorney for MetLife), and other interested parties.

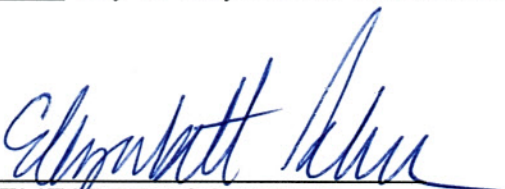
Based on the evidence presented regarding Defendant's *current* financial situation, there has been no change in circumstances demonstrating that he is not now indigent. As things stand today, while he is a named beneficiary to a portion of the annuity's proceeds, further action is necessary on his behalf before any monies therefrom would be transferred to him. Furthermore, *even then*, there are other issues which may prevent him from having access to the monies, including potential liens as a result of the lawsuits/default judgments. As such, because the Public Defender has not demonstrated that Defendant has access to, possession of, and the ability to use the monies from the annuity at this time, this Court denies the instant motion. A change in Defendant's *current* financial circumstances has not been demonstrated.

Moreover, because action is required on Defendant's behalf to make a claim for the money under the annuity, and because of the other potential liabilities at issue, this Court cannot at this time presume any 'expectancy' that Defendant will actually obtain such monies.

Accordingly, it is

**ORDERED AND ADJUDGED** that the Public Defender's motion is hereby **DENIED**.

**DONE AND ORDERED** on this 3 day of May, 2019, in Chambers, Fort Lauderdale, Broward County, Florida.

  
ELIZABETH SCHERER  
CIRCUIT JUDGE

Copies furnished to:  
Office of the State Attorney  
Office of the Public Defender