

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

CASE NO. 2013-CF-2728-A-O

STATE OF FLORIDA,

Plaintiff,

vs.

JOSEPH A. MEHTALA,

Defendant.

ORDER GRANTING DEFENDANT'S RULE 3.850
MOTION FOR POSTCONVICTION RELIEF

This Cause having come on to be heard upon Defendant=s Rule 3.850 Motion for Postconviction Relief, filed on February 7, 2020, and the Court having heard testimony and argument at the evidentiary hearing conducted on June 3, 2022, it is hereby **ORDERED AND ADJUDGED:**

1. For the reasons stated on the record in open court on August 8, 2022, Ground I of the Defendant=s Rule 3.850 Motion for Postconviction Relief is **GRANTED**.

2. The Defendant=s convictions and sentences for Capital Sexual Battery and Lewd or Lascivious Molestation are hereby **VACATED**.

3. Pursuant to the decision of the Fifth District Court of Appeal in State v. Elma, 325 So.3d 139 (Fla. 5th DCA 2020), the State is ordered to reoffer the Defendant the plea offer it made to him prior to the trial in this case.

4. Prior to trial, the State offered to resolve the case in exchange for the Defendant entering a plea to Count Two of the Information. Pursuant to the terms of the plea agreement, Mr. Mehtala would be sentenced to 2 years in prison, followed by 3 years of supervised sexual offender probation. The State would file a nol pros on Count One of the Information.

DONE AND ORDERED in Chambers in Orange County, Florida, this 30th day of August, 2022.



TANYA DAVIS WILSON
CIRCUIT COURT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Order was furnished by email delivery to Assistant State Attorney Nichole Lonergan, nlonergan@sao9.org and pcf@sao9.org, and William R. Ponall, bponall@PonallLaw.com, on this 30th day of August, 2022.



JUDICIAL ASSISTANT