

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

STEVEN PAGANPADRO,

CASE NO.: 2019-CA-2617-O

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

Petition for Writ of Prohibition
Wayne Shoemaker, Respondent Judge

Robert Wesley, Public Defender and
Felipe Franca, Assistant Public Defender,
for Petitioner.

Aramis D. Ayala, State Attorney and
Heidi Pozek, Assistant State Attorney,
for Respondent.

Before CARSTEN, LATIMORE, YOUNG, JJ.

PER CURIAM.

Steven Paganpadro petitions this Court for a writ of prohibition challenging the trial court's order denying his motion to dismiss, which was based on the Stand Your Ground law. § 776.032, Fla. Stat. We treat the instant petition as a petition for writ of certiorari,¹ and deny the petition.

Paganpadro was charged with battery following an early-morning encounter outside of a bar. In the motion to dismiss, he contended that the victim—a security manager at the bar—initiated the physical contact by striking Paganpadro with a door and pushing him into the street.

¹Because Paganpadro challenges the procedure of the hearing rather than the merits of his entitlement to immunity, his petition is reviewable by certiorari, not prohibition. *See Jefferson v. State*, 264 So. 3d 1019, 1023 (Fla. 2d DCA 2018), *review denied*, 2019 WL 1445053 (Fla. Apr. 02, 2019).

He asserted that it was only in response to this did Paganpadro hit the victim. The trial court convened an evidentiary hearing on the motion on February 14, 2019. Two witnesses testified there—the victim and Richard Dovalles, Paganpadro’s friend who witnessed the altercation. According to the victim, Paganpadro and Dovalles were attempting to enter the bar after hours through a side door, so he went outside. As soon as he stepped out, Paganpadro, unprovoked, hit him in the face. Dovalles then attempted to grab him and Paganpadro struck him again. Photographs of the victim’s injuries from these blows were admitted into evidence. In his testimony, Dovalles stated that while attempting to enter the bar, the victim brusquely opened the side door, pushed him off the curb, and began rushing after Paganpadro for no reason. Dovalles averred that he never saw Paganpadro hit the victim.

At the conclusion of evidence, the court evaluated the testimony and concluded that the State had carried its burden to prove by clear and convincing evidence that Paganpadro had not acted in self-defense and denied his motion to dismiss. This petition challenging that decision followed. In this proceeding, our standard of review “requires that the trial court's findings of fact must be supported by competent, substantial evidence, while the conclusions of law are subject to *de novo* review.” *Bretherick v. State*, 135 So.3d 337, 338 (Fla. 5th DCA 2013). Here, substantial evidence supports the trial court’s conclusions. Our review of the record demonstrates that the State indeed proved that nothing substantiated Paganpadro’s self-defense claim. Accordingly, the motion to dismiss was properly denied.

Therefore, the petition for a writ of certiorari is **DENIED**.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida, on this _____ day of _____, 2019.

/S/ _____
KEITH A. CARSTEN
Presiding Circuit Judge

LATIMORE and YOUNG, JJ., concur.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished to: **Felipe Franca, Assistant Public Defender**, 435 N. Orange Avenue, Ste. 400, Orlando, Florida 32801; **Heidi Posek, Assistant State Attorney**, 415 N. Orange Avenue, Orlando, Florida 32801; **Honorable Wayne Shoemaker**, 425 N. Orange Avenue, Orlando, Florida 32801 on this _____ day of _____, 2019.

/S/ _____
Judicial Assistant