

Supreme Court of Florida

CORRECTED OPINION

No. 68,391

AUBREY DENNIS ADAMS, Petitioner,

v.

LOUIE L. WAINWRIGHT, Respondent.

[March 3, 1986]

ADKINS, J.

Aubrey Dennis Adams seeks a stay of execution on the grounds that he is incompetent to be executed. A panel of three psychiatrists has been appointed by the governor under the authority of section 922.07, Florida Statutes (1985). We have jurisdiction. Art. V, § 3(b)(1), Fla. Const.

Petitioner challenges the statutory procedure authorizing a non-adversarial executive determination of competency to be executed as violative of due process. We have considered and rejected such attacks on the validity of 922.07. Goode v. Wainwright, 448 So.2d 999 (Fla. 1984); Alvord v. State, 459 So.2d 316 (Fla. 1984). See also Solesbee v. Balkcom, 339 U.S. 9 (1950); Caritativo v. California, 357 U.S. 549 (1958). We therefore deny the requested stay of execution.

It is so ordered.

BOYD, C.J., and OVERTON, McDONALD, EHRLICH and SHAW, JJ., Concur
BARKETT, J., Dissents with an opinion

NO MOTION FOR REHEARING WILL BE ALLOWED.

BARKETT, J., dissenting.

This decision responds to Petitions filed March 2, 1986. Although my brothers on the court are familiar with this case from its previous appearances before this court, I cannot in good conscience vote to deny a stay without adequate time to review the matter.

Original Proceeding - All Writs

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