

IN THE SUPREME COURT OF FLORIDA

HONORABLE MICHAEL E. ALLEN,  
Public Defender, Second  
Judicial Circuit, and WILLIE  
REYNOLDS,

Petitioners,

v.

CASE NO.: 68,633

HONORABLE HAL S. MCCLAMMA,  
County Judge, In and For  
Leon County,

Respondent.

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**FILED**  
SID J. WHITE

APR 29 1988

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

RESPONSE TO  
PETITION FOR WRIT OF MANDAMUS

The Respondent answers the petition as follows:

JURISDICTION

The Respondent adopts the Petitioner's statement.

FACTS

The Respondent adopts the Petitioner's statement.

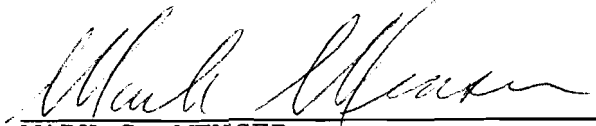
ARGUMENT

This cause was consolidated with Case No. 68,564 (Allen and Gayoso v. McClamma). While the underlying facts differ, the legal arguments are the same. Mr. Reynolds is not entitled to counsel if he is not faced with the prospect of incarceration no matter when the court makes that determination. While a defendant may be entitled to counsel, lawyers have no legal right to a client and no standing to petition for appointment. Bundy v. Rudd, 581 F.2d 1126 (5th Cir. 1978); Board of Regents v. Roth, 408 U.S. 564 (1977).

The Respondent adopts the argument set out on his behalf in the (merged) companion case for any further discussion.

Respectfully submitted:

JIM SMITH  
ATTORNEY GENERAL



MARK C. MENSER  
ASSISTANT ATTORNEY GENERAL  
THE CAPITOL  
TALLAHASSEE, FLORIDA 32301

(904) 488-0600

COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Response was forwarded to P. Douglas Brinkmeyer, Assistant Public Defender, Post Office Box 671, Tallahassee, Florida, 32302, on this 28th day of April, 1986.



MARK C. MENSER  
ASSISTANT ATTORNEY GENERAL

COUNSEL FOR RESPONDENT