

TABLE OF CONTENTS

REPLY ARGUMENT	1
CONCLUSION	3
CERTIFICATE OF SERVICE	3

TABLE OF AUTHORITIES

Cases

Kloster v. Castorina,
13 F.L.W. 1374 (Fla. 3d DCA June 7, 1988) 1

Statutes

Section 394.467, Florida Statutes (1987) 1
Section 744.331(5)(a), Florida Statutes (1987) 1
Section 916.11, Florida Statutes (1987) 1

Others

Florida Rule of Criminal Procedure 3.210 2
Puzzi, Competency to Stand Trial in Federal Courts:
Conceptual and Constitutional Problems,
45 U. of Chicago L. Rev. 21 (1977) 2

independently decide due process requires two. Indeed, the federal scheme has been subject to criticism. The problem with a single psychiatric review is in its inherent failure to neutralize the varying schools of thought, value systems and partialities among experts. Puzzi, Competency to Stand Trial in Federal Courts: Conceptual and Constitutional Problems, 45 U. OF CHICAGO L. REV. 21 (1977).

The State's comparison of Florida Rule of Criminal Procedure 3.210 with the discovery and speedy trial rules is unavailing. Unlike the latter rules, Rule 3.210 places an affirmative duty upon a judge to act, with or without defense counsel's impetus.

Here, the defense counsel continuously maintained Valdez was irrational. The trial court found reasonable grounds to believe Valdez was not mentally competent. Under such circumstances, this court should not excuse the trial court's breach of its duty to ensure that the defendant's due process rights are given full protection under Florida law.

CONCLUSION

This court should quash the decision of the Third District Court of Appeal, vacate the conviction and sentence and remand for a proper determination of competency.

Susan S. Lerner, Special
Assistant Public Defender
Counsel for D'Oleo-Valdez
Biscayne Building, Suite 705
19 West Flagler Street
Miami, Florida 33130
(305) 358-5999

By *Susan S. Lerner*
Susan S. Lerner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on: ROBERT A. BUTTERWORTH, Attorney General, Department of Legal Affairs, Ruth Bryan Owen Rhode Building, 401 Northwest Second Avenue, Suite 820, Miami, Florida 33128, this 20th day of June, 1988.

Susan S. Lerner, Special
Assistant Public Defender
Counsel for D'Oleo-Valdez
Biscayne Building, Suite 705
19 West Flagler Street
Miami, Florida 33130
(305) 358-5999

By *Susan S. Lerner*
Susan S. Lerner