

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.

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.

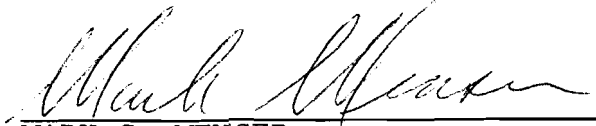
ARGUMENT

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
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(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