

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

D.W., A CHILD,

Petitioner,

v.

Case No. 5D18-456

STATE OF FLORIDA,

Respondent.

_____ /

Opinion filed March 9, 2018

Petition for Writ of Mandamus,
Sally Kest, Respondent Judge.

Robert Wesley, Public Defender, and
Brooke Tharpe, Assistant Public Defender,
Orlando, for Petitioner.

Pamela Jo Bondi, Attorney General,
Tallahassee, and Allison Leigh Morris,
Assistant Attorney General, Daytona
Beach, for Respondent.

PER CURIAM.

D.W. petitions this Court for a writ of mandamus compelling the trial court to toll speedy trial, stay all proceedings, and appoint two experts to evaluate his competency pursuant to Florida Rule of Juvenile Procedure 8.095 and section 985.19(1), Florida Statutes (2016). We sua sponte treat this matter as a petition for certiorari, find the trial court's order departs from the essential requirements of law, and grant the petition.

D.W.'s counsel filed a motion to determine competency on February 7, 2018. The trial court denied the motion without elaboration. The motion satisfies the requirements of rule 8.095(a)(1) and section 985.19, and should have been granted. Hence, we quash the order denying the motion to determine competency. On remand, the trial court shall stay the proceedings and order an examination in compliance with rule 8.095 and section 985.19.

PETITION GRANTED; ORDER QUASHED.

ORFINGER, BERGER and WALLIS, JJ., concur.