

IN THE CIRCUIT COURT IN AND
FOR BREVARD COUNTY, FLORIDA
EIGHTEENTH JUDICIAL CIRCUIT

1/2

CASE NUMBER: 05-2009-CF-063108-AXXX

STATE OF FLORIDA,

Plaintiff,

vs.

KENTA WYNS,

Defendant.

**DOCKET IN
COURT FILE**

FILED IN VIERA-06
CLERK OF CIR. CT.
BREVARD CO. FL.

2010 MAR 26 P 3:22

SCOTT ELLIS

MOTION TO DETERMINE DEFENDANT'S COMPETENCY

COMES NOW Counsel for the Defendant and moves, pursuant to Florida Rule of Criminal Procedure 3.210, that this Honorable Court order the examination of the Defendant to determine whether the Defendant is mentally competent to stand trial.

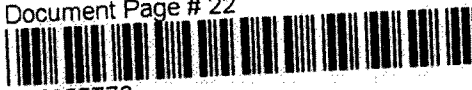
Counsel requests that *Dr. Riebsame* be appointed to conduct such examination. Counsel further requests that this court set a time for a hearing to determine whether Defendant is competent to stand trial and that such time be not later than forty (40) days after the filing of this motion.

Counsel certifies that this Motion is made in good faith and that Counsel has reasonable grounds to believe Defendant is not presently competent to stand trial.

To the extent that Counsel's observations of and conversations with the Defendant do not invade the lawyer-client privilege, Counsel states the following as grounds for the belief that Defendant is not mentally competent to stand trial:

Counsel has some concerns due to the Defendant's inability to communicate with his attorney. The Defendant also does not understand/appreciate the charges against him and possible punishment. He may also not understand the role of his attorney, the prosecutor, the judge and the criminal judicial system as a whole. This Motion seeks an examination into Defendant's mental competency to stand trial.

Case # 05-2009-CF-063108-AXXX-XX
Document Page # 22



015655770

DRC

2/2

KENTA WYNS
05-2009-CF-063108-AXXX
Motion to Determine Defendant's Competency

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter an Order appointing said expert for examination of the Defendant.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by courier delivery to the Office of the State Attorney, Viera, Brevard County, Florida, this 25 day of March, 2010.



HERBERT KELLENER, Assistant Public Defender
Florida Bar Number: 169412
2725 Judge Fran Jamieson Way, Bldg. E.
Viera, FL 32940
(321) 617-7373
(321) 617-7353 Facsimile

**AGENCY NAME COCOA POLICE DEPARTMENT
BREVARD COUNTY, FLORIDA**

2/2

NARRATIVE Continuation Page 2 of 2

AGENCY REPORT NO 2009-7302
OBTS NO

(Last, First, Middle)
DEFENDANT/JUVENILE WYNS, KENTA, TREVELL


Charge	Charge Description	Counts	<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	Statute Violation Number	Violation of Section (ORD)
	Activity N/A	Drug Type N/A	Amount/Unit	Bond Amount	Court Number 15-20-09-CF-63108-AXXX-AX
	<input type="checkbox"/> PC <input type="checkbox"/> Capias <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> Juv. PU <input type="checkbox"/> Citation	Date Issued		<input type="checkbox"/> Writ Att <input type="checkbox"/> Domestic Viol Inj <input type="checkbox"/> Order of Arrest	
Charge	Charge Description	Counts	<input type="checkbox"/> F.S. <input type="checkbox"/> Ord.	Statute Violation Number	Violation of Section (ORD)
	Activity N/A	Drug Type N/A	Amount/Unit	Bond Amount	Court Number
	<input type="checkbox"/> PC <input type="checkbox"/> Capias <input type="checkbox"/> AC <input type="checkbox"/> BW <input type="checkbox"/> FW <input type="checkbox"/> PW <input type="checkbox"/> Juv. PU <input type="checkbox"/> Citation	Date Issued		<input type="checkbox"/> Writ Att <input type="checkbox"/> Domestic Viol Inj <input type="checkbox"/> Order of Arrest	

On October 20, 2009 the Ofc Tabor responded to the above location in reference to a report of animal cruelty Apparently the Cocoa Police Department had received a call stating that the Defendant had been beating his dog Ofc Tabor and Animal Control Officers did respond to initiate the investigation

On today's date I responded to the area of Blake Ave & Thomas Lane in reference to a dog that had been badly beaten Upon arrival I did find a small tan pitbull mix dog This dog had been severely beaten and appeared to have been tortured The dog was beaten so badly that her left eye was swollen shut and she had severe trauma around her throat The dog was in immediate need of medical attention Animal Control Officers did arrive and took custody of this dog Animal Control Officer Pichello told me that he was investigating the incident of 10-20-09 and that he had been looking for this dog According to witnesses and Ofc Pichello, the Defendant had been beating the dog that day The witnesses were afraid that the Defendant was going to kill the dog

I spoke with some witnesses who wished to remain anonymous who told me that the Defendant was beating the dog so bad that they thought the dog was going to be killed I then spoke with the Defendant I did read the Defendant his Miranda Warning to which he stated he understood and agreed to speak with me At first the Defendant denied knowing the dog The Defendant then admitted to me that the dog was his According to the Defendant, he was upset that he did not have money for bills The Defendant told me that he didn't have enough money to buy marijuana The Defendant states that he snapped and began beating his dog The Defendant told me that he struck the dog in the head several times and was choking her The Defendant stated that he continued to beat the dog until she ran out the door It was at this point that the Defendant saw the Police arriving but the dog had run off The Defendant told me that he knew what he was doing was wrong and was sorry for it

Pursuant to F S S 938 07, the investigative costs incurred by this agency are \$110 00

Officer's Signature 	Officer's Name PRINTED OFC NICK GREEN
--	--

You must give the undersigned 48 hours (excluding weekends and holidays) written notice of the time you will appear for inspection of the disclosures herein and set the time for the same between 8:30 a.m. and 5:00 p.m. any regular business day.

- a. Statements given by person(s) listed in Paragraph 1 above.
 Yes None
- b. Written, recorded and/or oral statements of defendant.
 Yes None

DEFENDANT'S STATEMENTS TO OFFICER GREEN:

- DEFENDANT DENIED KNOWING THE DOG
- DEFENDANT ADMITTED THAT THE DOG WAS HIS
- DEFENDANT WAS UPSET THAT HE DID NOT HAVE MONEY FOR BILLS
- DEFENDANT STATED THAT HE DIDN'T HAVE ENOUGH MONEY TO BUY MARIJUANA
- DEFENDANT STATED THAT HE SNAPPED AND BEGAN BEATING HIS DOG
- DEFENDANT STATED THAT HE STRUCK THE DOG IN THE HEAD SEVERAL TIMES AND WAS CHOKING HER
- DEFENDANT STATED THAT HE CONTINUED TO BEAT THE DOG UNTIL SHE RAN OUT THE DOOR
- DEFENDANT STATED THAT AT THIS POINT THAT HE SAW THE POLICE ARRIVING BUT THE DOG HAD RUN OFF
- DEFENDANT STATED THAT HE KNEW WHAT HE WAS DOING WAS WRONG AND WAS SORRY FOR IT
- ANY AND ALL IDENTIFICATION PROVIDED BY OFFICER TO DEFENDANT

SEE ALL DISCOVERY FOR ANY FURTHER STATEMENTS

SEE STIPULATED FINAL JUDGMENT IN 05-2009-CC-067262-XXX-XX

- c. Written, recorded and/or oral statements of co-defendants.
 Yes None
- d. Recorded Grand Jury Testimony of defendant.
 Yes None
- e. Tangible papers or objects obtained from or belonging to defendant.
 Yes None
- f. Material or information provided by confidential informant.
 Yes None