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Florida Supreme Court orders hearing on cop killer's mental health

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The Florida Supreme Court Thursday ordered a Miami-Dade judge to hold a hearing to determine whether convicted police-killer Leonardo Franqui suffers from mental retardation, and is, therefore, not eligible for execution.

Franqui was 23 in October 1994 when Circuit Judge Rodolfo Sorondo sentenced him, and three others, to death for the Jan. 3, 1992 slaying of North Miami Police Officer Steven Bauer. The off-duty officer was escorting two bank tellers to a drive-up booth at Kislak National Bank when the robbers shot him, taking \$17,000.

Police also linked Franqui to a separate robbery and killing in Hialeah.

In a 4-2 ruling, the high court sent the case back to Circuit Judge Israel Reyes to hold a hearing on Franqui's claim that he is mentally retarded. One justice did not participate in the vote. Reyes, acting on a Nov. 30, 2007 order from the Supreme Court, had made a prior ruling that Franqui is not mentally retarded.

Justice Charles T. Canady wrote a dissenting opinion, saying Franqui appealed the ruling too late, and has failed to make any convincing claim that he is of "significantly subaverage intellectual functioning."