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IN THE CRIMINAL COURT OF RECORD, IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883

THE STATE OF FLORIDA :

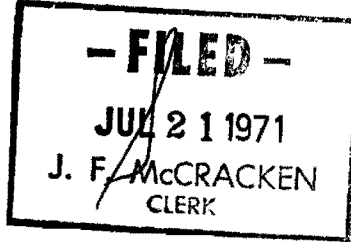
Plaintiff, :

vs. :

HECTOR M. CORNILLOT aka :
HECTOR CORNILLOT LLANO :

AFFIDAVIT IN AID OF EXTRADITION
AND IN SUPPORT OF EXECUTIVE
AGREEMENT

STATE OF FLORIDA)
COUNTY OF DADE) ss



PERSONALLY APPEARED before me one of the Judges of the above-styled court and a magistrate under the laws of the State of Florida, JOSEPH DAWSON, of the Federal Bureau of Investigation of the City of Miami in Dade County, Florida, who being first duly sworn deposed and said under oath that he is a member of the Federal Bureau of Investigation of the City of Miami in Dade County, Florida. Affiant as such states that on the 18th day of October, 1968 A.D., one HECTOR CORNILLOT LLANO did then and there unlawfully throw, place or discharge a bomb, a better and more particular description of said bomb being to the State Attorney unknown, with intent to do damage to the property of AIR CANADA, A CROWN CORPORATION, as owner, tenant or lessee, to-wit: AN OFFICE located at 6988 Collins Avenue, Miami Beach, Dade County, Florida, and the said unlawful throwing, placing or discharging of the said bomb did result in damage to the said property of AIR CANADA, A CROWN CORPORATION, contrary to Florida Statute 790.161.

Affiant makes this Affidavit in support of the Information in the aforesaid case and in aid of extradition of the aforesaid defendant.

Joseph Dawson

JOSEPH DAWSON

SWORN TO AND SUBSCRIBED before me this 20 day of July, 1971, and the Clerk is directed to affix the seal hereto.

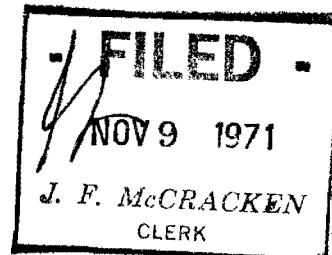
Joseph M. Turner

JUDGE of the Criminal Court of
Record, in and for Dade County,
Florida

X

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

Case No. 70-8883



STATE OF FLORIDA

- vs -

HECTOR CORNILLO LLANO,

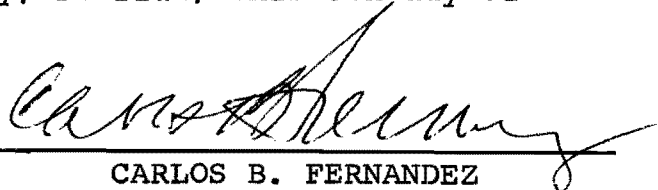
Defendant,

MOTION FOR CONTINUANCE

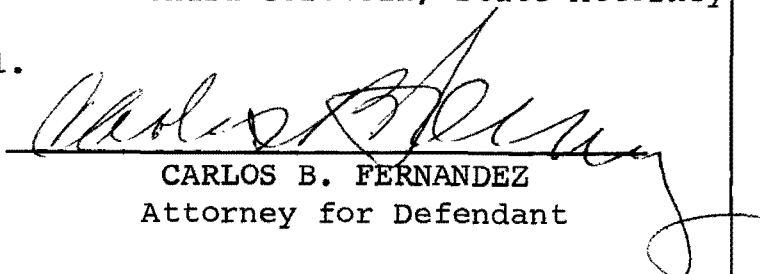
NOW COMES the abovenamed Defendant, by and through his undersigned attorney and respectfully moves this Honorable Court to continue the trial date set by this Court for trial of the charges filed against said Defendant and shows as follows:

1. That the abovenamed Defendant was in California and was not able to prepare the defense of the charges against him.
2. That the undersigned was retained on this date to represent said Defendant.
3. That it appears that this Court has set November 15, 1971 for trial.
4. That the Defendant has not been arraigned.
5. That the Defendant has not had an opportunity to file motions and prepare his defense.

Dated at Miami, Dade County, Florida, this 5th day of November, 1971.


CARLOS B. FERNANDEZ
Attorney for Defendant

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Motion was mailed to Richard Gerstein, State Attorney this 5th day of November, 1971.


CARLOS B. FERNANDEZ
Attorney for Defendant

CASE NO: 70-8883

NOV 18 1971
J. F. McCRACKEN

THE STATE OF FLORIDA, :
Plaintiff, :
-vs- :
HECTOR LLANO :
Defendant. :

MOTION FOR PRODUCTION OF
FAVORABLE EVIDENCE

COMES NOW the Defendant by and through his undersigned attorney and moves this Court to order the State of Florida to permit the Defendant to inspect and copy or photograph any and all evidence in the possession the State of Florida which is "favorable" to the Defendant and material to the issue of guilt or innocence or to punishment in this case, pursuant to the due process clause of the Fourteenth Amendment to the United States Constitution as interpreted by the United States Supreme Court in Brady v. Maryland, 373 U.S. 83 (1963), including but not limited to the following materials:

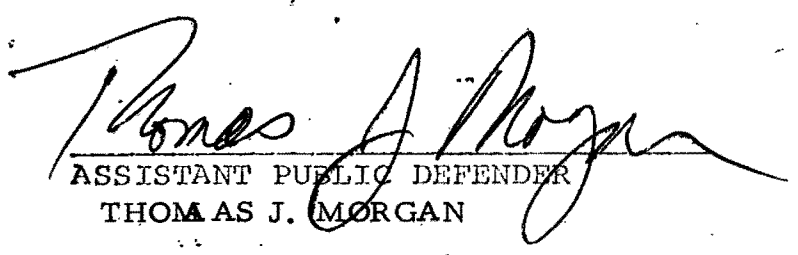
1. Any written or recorded statement made by any person to the police or to the State Attorney's Office which tends to establish the Defendant's innocence or to impeach or contradict the testimony of any witness whom the State will call at the trial of the Cause.
2. Any police investigation report made to the police which tends to establish the Defendant's innocence or to impeach or contradict the testimony of any witness whom the State will call at the trial of the cause.
3. The names and addresses of witnesses who might establish the Defendant's innocence or impeach or contradict the testimony of any witness whom the State will call at the trial of the cause.
4. Any information or material which would tend to establish the Defendant's innocence or to impeach or contradict the testimony of any witness whom the State intends to call at the trial of the cause.
5. Any scientific or medical report which tends to establish the Defendant's innocence or to impeach or contradict any witness whom the State will call at the trial of the cause.

6. Any evidence deemed favorable regardless of the fact that such evidence involved is the fruition of the "work product" of the prosecutor. State v. Gillespie, 227 So. 2nd 550 (1969).

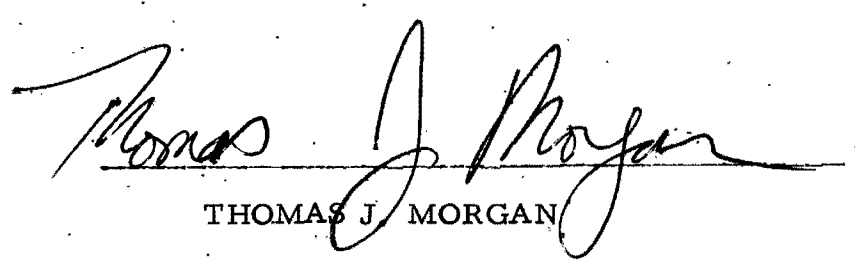
IT IS SUBMITTED that the evidence sought to be discovered can not otherwise be discovered under the Florida Rules of Criminal Procedure and that the accused cannot, by reasonable diligence, otherwise avail himself of such evidence except by Court order. It is prayed that the Court order the production of such evidence before the time for the commencement of trial in order that the the Defendant have opportunity to fairly make use of its production.

Respectfully submitted

PUBLIC DEFENDER
11th Judicial Circuit of Florida


ASSISTANT PUBLIC DEFENDER
THOMAS J. MORGAN

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered to the office of the Honorable RICHARD E. GERSTEIN, State Attorney, Miami, Dade County, Florida, this 18th day of November, 1971.


THOMAS J. MORGAN

CASE NO:

70-8883

NOV 8

THE STATE OF FLORIDA, :

Plaintiff, :

-vs- :

HECTOR LLANO :

Defendant. :

MOTION FOR RECIPROCAL DISCOVERY

COMES NOW the Defendant, by and through his undersigned attorney, and respectfully moves this Honorable Court to order the State Attorney to perform the following acts in this cause:

1. Permit the Defendant to inspect and copy or photograph the results and reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies thereof, which are known to the prosecutor to be within the possession, custody or control of the State, pursuant to Rule 1.220(a)(2) of the Florida Rules of Criminal Procedure. In exchange therefore the Defendant hereby offers to permit the State, should the State so desire, to inspect, copy or photograph scientific or medical reports, books, papers, documents, or tangible objects, which the Defendant intends to produce at the trial of this cause and which are within his possession, custody or control, pursuant to Rule 1.220 (c) of the Florida Rules of Criminal Procedure.

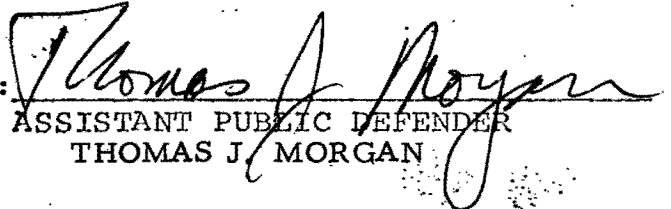
2. Order the State to produce and permit the inspection and copying or photographing of any designated papers, books, accounts, letters, photographs, objects, or other tangible things, and all evidence relating to ballistics, firearms, identification, fingerprints, blood, semen, or other stains, or documents, papers, books accounts, letters, photographs, objects, or other tangible things of whatsoever kind or nature relating to this cause which are in the custody, control or possession of the State regardless of whether the State intends to produce such evidence at the trial of the cause, pursuant to

Rule 1.220(b) of the Florida Rules of Criminal Procedure. In exchange therefore, the Defendant hereby offers to permit the State, should the State so desire, to inspect, copy or photograph scientific or medical reports, books, papers, documents, or tangible objects, which the Defendant intends to produce at the trial and which are within his possession, custody, or control, pursuant to Rule 1.220(c) of the Florida Rules of Criminal Procedure.

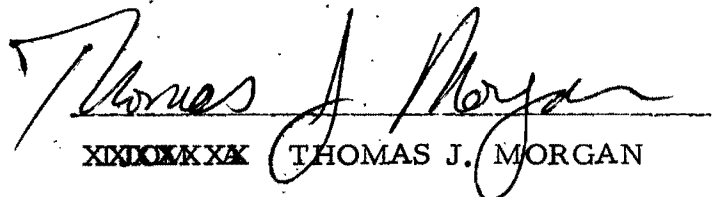
Respectfully submitted,

Public Defender
Eleventh Judicial Circuit of Florida

By:


ASSISTANT PUBLIC DEFENDER
THOMAS J. MORGAN

I HEREBY CERTIFY THAT a true and correct copy of the foregoing Motion was personally delivered to the office of the Honorable RICHARD E. GERSTEIN, State Attorney, Miami, Dade County Florida, this 18th day of November 1971.


~~XXXXXXXX~~ THOMAS J. MORGAN

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA.

CASE NO: 70-8883

THE STATE OF FLORIDA, :

Plaintiff, :

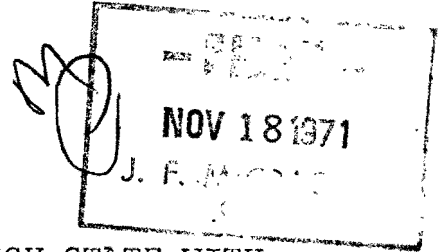
::

-vs-

:

HECTOR LLANO :

Defendant(s) :

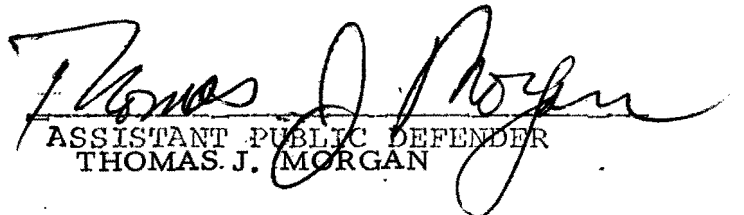


OFFER TO FURNISH STATE WITH
LIST OF DEFENSE WITNESSES

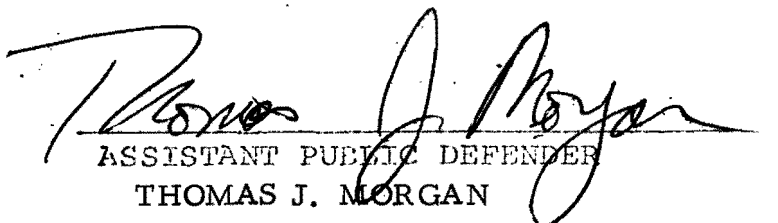
COMES NOW THE Defendant(s), by and through his (her)
(their) undersigned attorney, and offers to furnish the prosecuting
attorney a list of all witnesses with their addresses and whereabouts
if known, whom the Defendant expects to call as defense witnesses
at the trial of this cause.

Respectfully submitted,

PUBLIC DEFENDER
Eleventh Judicial Circuit of Florida
1351 Northwest 12th Street
Miami, Florida 33125


ASSISTANT PUBLIC DEFENDER
THOMAS J. MORGAN

I HEREBY CERTIFY that a true and correct copy of the
foregoing Offer was personally delivered to the office of the Honorable
RICHARD E. GERSTEIN, State Attorney, 1351 N.W. 12th Street, Miami,
Florida, this 18th day of November, 1971.


ASSISTANT PUBLIC DEFENDER
THOMAS J. MORGAN

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883

NOV 18 1971
J. F. McCRACKEN
CLERK

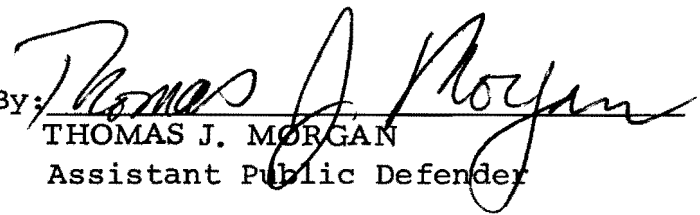
THE STATE OF FLORIDA,)
)
Plaintiff,)
vs.)
)
HECTOR LLANO)
)
Defendant(s).)

MOTION TO SUPPRESS
EVIDENCE OBTAINED THROUGH
AN UNREASONABLE SEARCH AND SEIZURE

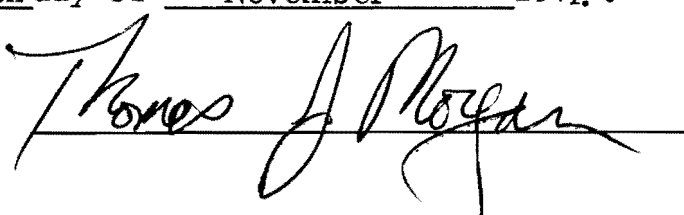
COMES NOW THE Defendant(s) by and through his undersigned attorney, PHILLIP A. HUBBART, Public Defender for the Eleventh Judicial Circuit of Florida in and for Dade County, and respectfully moves this Honorable Court, pursuant to Rule 1.190(h) of the Florida Rules of Criminal Procedure, to suppress as evidence in this cause any and all physical evidence seized by the police from the Defendant's personal possession, automobile, house, building or room on the ground that said evidence was obtained through an unreasonable search and seizure in violation of the Defendant's rights guaranteed by the Fourth Amendment and Due Process Clause of the Fourteenth Amendment to the United States Constitution and by Article I, Section 12 of the Florida Constitution (1968).

Respectfully submitted,

PHILLIP A. HUBBART
Public Defender
Eleventh Judicial Circuit of Florida
1351 Northwest 12 Street
Miami, Florida 33125

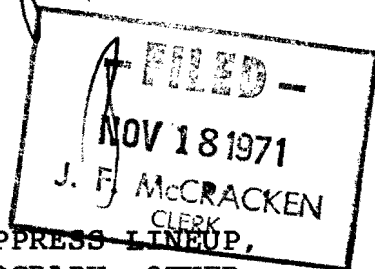
By: 
THOMAS J. MORGAN
Assistant Public Defender

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Suppress Evidence Obtained Through an Unreasonable Search and Seizure was delivered by hand to the office of the Honorable RICHARD E. GERSTEIN, State Attorney, 1351 N.W. 12 Street, Miami, Florida, this 18th day of November 1971.



IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883



THE STATE OF FLORIDA,)
)
 Plaintiff,)
)
 vs.)
)
 HECTOR LLANO)
 Defendant(s).)

MOTION TO SUPPRESS LINEUP,
SHOWUP, PHOTOGRAPH, OTHER
PRE-TRIAL CONFRONTATION,
AND COURTROOM IDENTIFICA-
TION OF THE DEFENDANT

COMES NOW THE Defendant(s) by and through his under-
signed attorney, PHILLIP A. HUBBART, Public Defender for the
Eleventh Judicial Circuit of Florida in and for Dade County,
and respectfully moves this Honorable Court to suppress as
evidence at the trial of the above-styled cause (1) any and
all pre-trial identifications of the Defendant by witnesses
in police lineups, photographs, showups, or any other confron-
tations, and (2) any and all courtroom identifications of the
Defendant. As grounds for this motion, the Defendant states
to this Honorable Court the following:

1. The lineup, showup, photograph and other pre-
trial confrontation identifications of the Defendant were
obtained by the police in violation of the Defendant's right
to counsel guaranteed by the Sixth Amendment and Due Process
Clause of the Fourteenth Amendment to the United States Consti-
tution.

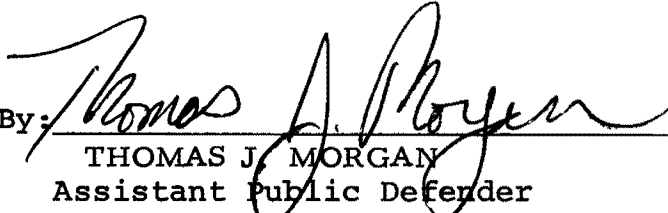
2. The lineup, showup, photograph and other pre-trial
confrontation identifications of the Defendant were obtained
through procedures which were so unnecessarily suggestive and
conducive to irreparable mistaken identification as to consti-
tute a denial of due process of law in violation of the Defen-
dant's rights guaranteed by the Due Process Clause of the Four-
teenth Amendment to the United States Constitution and by

Article I, Section 9 of the Florida Constitution.

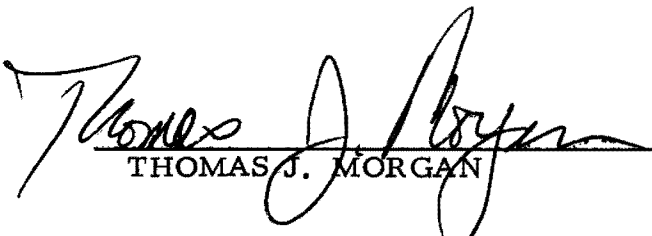
3. The courtroom identifications of the Defendant constitute the "fruit of the poisonous tree" of the prior unconstitutionally conducted pre-trial identifications of the Defendant and are accordingly tainted with the same constitutional objections stated in paragraphs 1 and 2.

Respectfully submitted,

PHILLIP A. HUBBART
Public Defender
Eleventh Judicial Circuit of Florida
1351 Northwest 12 Street
Miami, Florida 33125

By: 
THOMAS J. MORGAN
Assistant Public Defender

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Suppress Lineup, Showup, Photograph, Other Pre-trial Confrontation, and Courtroom Identification of the Defendant was delivered by hand to the office of the Honorable RICHARD E. GERSTEIN, State Attorney, 1351 Northwest 12 Street, Miami, Florida, this 18th day of November, 1971.

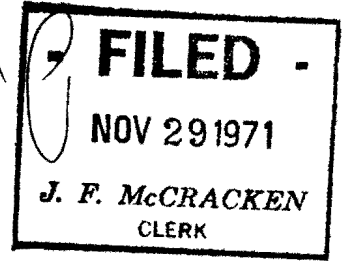

THOMAS J. MORGAN

PDA:amv

CRIMINAL COURT OF RECORD
DADE COUNTY, FLORIDA
70-8883

STATE OF FLORIDA
Plaintiff, :
vs. :
HECTOR LLANO
Defendant. :
_____ :

MOTION TO STAY



COMES NOW the United States of America, by and through its undersigned attorney and moves this Honorable Court to excuse certain agents of the Federal Bureau of Investigation from appearance pursuant to subpoenas issued in the above captioned case pending official authorization from the Attorney General of the United States.

The United States would show this Honorable Court that:

1. The following agents of the Federal Bureau of Investigation have been subpoenaed for the purposes of taking depositions:

- Agent Joseph S. Dawson
- Agent Thomas J. Stickney
- Agent John Phelps
- Agent Bernardo M. Perez
- Agent Richard Castillo

2. In accordance with 28 C.F.R. Section 16.12 a copy of which is attached hereto approval of the Attorney General of the United States has been requested.

3. The United States respectfully requests to stay the demand pending receipt of requested instructions from the Attorney General.

ROBERT W. RUST
UNITED STATES ATTORNEY

by 
PETE D. AIKEN
Assistant United States Attorney

I HEREBY CERTIFY that a copy of the foregoing Motion to stay was this 26th day of November, 1971, to Phillip Hubbart, Public Defender, 11th Judicial Circuit of Florida.

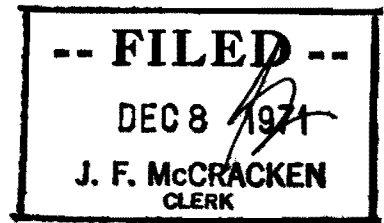


IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883

THE STATE OF FLORIDA,)
)
 Plaintiff,)
)
 -vs-)
)
 HECTOR LLANO)
)
 Defendant.)
)

NOTICE OF TAKING DEPOSITION

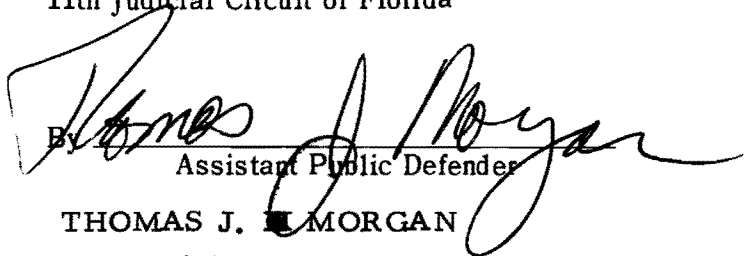


TO: RICHARD E. GERSTEIN
State Attorney
Metropolitan Justice Building
1351 N. W. 12th Street
Miami, Florida 33125

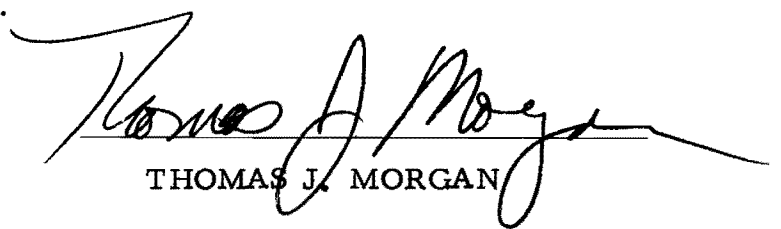
YOU ARE HEREBY notified that the undersigned attorney of record for
defendant, HECTOR LLANO, herein is taking the
L. Reilley; Off. D. M. Monsoor
deposition of _____, at 12:00, noon M.,
on Friday, the 10th day of December, 19 71,
at the Public Defender's Office, Room 508, Metropolitan Justice Building, 1351 N.W. 12th Street,
Miami, Florida 33125.

Respectfully submitted,

PHILLIP A. HUBBART
Public Defender
11th Judicial Circuit of Florida


Assistant Public Defender
THOMAS J. MORGAN

I HEREBY CERTIFY that a true copy of the above and foregoing Notice
of Taking Deposition was hand delivered to the addressee herein, this 9th day of
December, 19 71.


THOMAS J. MORGAN

CASE NO: 70-8883

THE STATE OF FLORIDA,)
)
 Plaintiff,)
)
 -VS-)
)
 HECTOR LLANO)
 Defendant (s))

MOTION FOR STATEMENT OF
PARTICULARS

MP
NOV 18 1971
J. F. MCCOY
CLERK

COMES NOW THE Defendant, by and through his undersigned attorney, and moves this Honorable Court pursuant to Rule 1.140(n) of the Florida Rules of Criminal Procedure for an order directing the Government of the State of Florida to serve and furnish upon the attorney for the Defendant a complete statement of particulars setting forth among other things the following items:

- A.
1. the exact day and time of the commission of the alleged crime(s).
 2. the exact location of the commission of the alleged crime(s)
 3. a statement as to whether the Defendant committed the alleged criminal offense(s) complained of ; or aided, abetted, counseled, hired, or otherwise procured such alleged criminal offense(s) to be committed.
 4. a detailed description of the alleged acts of the defendant is the commission of the alleged criminal offense(s) complained of ; or in the aiding, abetting, counseling, hiring, or procuring of such offense(s) to be committed
 5. the circumstances and factors evincing the defendant's alleged criminal intent necessary to the commission of the particular offense(s) charged or necessary to the aiding, abetting, counseling, hiring, or procuring of the same.

6. the circumstances and factors evincing the Defendant's alleged criminal knowledge necessary to the commission of the particular offense(s) charged or necessary to the aiding, abetting, counseling, hiring, or procuring of the same.

B. 1. Detailed description(s) of any and all items and properties, real or personal, tangible or intangible, mentioned in the information, such description(s) including among other things:

a. as it relates to checks, notes, drafts, and other such choses in action: the names of the drawer, drawee, payee, endorser, and endorsee as well as any and all other names appearing on the instrument; the serial or identification number of the chose.

b. as it relates to the motor vehicles: the make, model, year, color, engine-block identification number, present license tag number, and any and all distinguishing marks.

c. as it relates to weapons : the make, model, year, color, caliber, and identification or serial number.

d. as it relates to drugs: the chemical composition, quantity where material, narcotic or hallucinogenic classification.

e. as it relates to criminal instrumentalities: their number, nature, and general or purported purpose.

2. Where material, the exact value of any and all items, and properties mentioned in the information. Give as well the method of evaluation and the name and address of the value witness.

3. Election(s) on any and all alternative allegations regarding said item(s) and property(s).

4. Where such items and properties are alleged to be owned, State the type of ownership in law; the names and addresses of the owners; their status as juridical entities.

5. Where such items and properties are alleged to be in custodianship, state the names and addresses of the custodians; the true owners; their status as juridical entities.

6. Where such items and properties are alleged to be leased, state the type of leasehold in law; the names and addresses of the lessor and the lessee; their respective status as juridical entities; the alleged commencement and termination dates of the lease in question.

7. Where it is material, the names, addresses, and employment positions of those individuals who allegedly secured any and all items and properties mentioned in the information. Give as well the alleged time and manner of the alleged securing.

8. Where such items and properties mentioned in the information are alleged to be deadly weapons, state those facts upon which deadliness is predicated. Give the names and addresses of any persons who have tested said weapon for deadliness.

9. Where such items and properties mentioned in the information are alleged to be in the nature of narcotics, barbituates, central nervous system stimulants, or hallucinogenics, give the names and addresses of any persons who have tested said items for their respective chemical properties.

10. If it is alleged in the information that a better and more particular description of said items and properties is unknown to the State Attorney, state the name of the attorney for the State who took the complaint for the instant case and the name and address of the complainant who made such complaint under oath before said attorney for the State.

C. 1. The names and addresses of alleged co-Defendants and accomplices.

2. A detailed description of the alleged acts of said co-defendants and accomplices in the commission of the

alleged criminal offense(s) complained of; or in the aiding abetting, counseling, hiring, or procuring of such offense(s) to be committed.

3. Whether it is alleged that said co-Defendant(s) and accomplices have made statements implicating Defendant.

4. The date, time, place and circumstances of said statements implicating Defendant. Give the names and addresses of those persons present when said statements were made.

D. 1. The time and date when and the place where the Defendant was taken into custody.

2. The exact circumstances leading up to Defendant's arrest.

3. The names and addresses of the arresting officers.

4. Whether arrest was effected by warrant or not.

5. The names and addresses of all persons present at the Defendant's arrest.

6. Whether it is alleged that Defendant was advised of his constitutional rights. If so, state where, when, and by what method.

7. Whether it is alleged that Defendant waived his constitutional rights. If so, state whether such waiver was allegedly oral or written.

8. Whether it is alleged that Defendant made any inculpatory or exculpatory statements relating to the offense(s) charged. If so, state where, when, under what circumstances, and to whom.

9. Whether it is alleged that any items were

seized from Defendant's person, personal effects, motor vehicle, or residence. If so, where, when, under what circumstances, and by whom. State whether seizure was made pursuant to a search warrant or consent. If consent is alleged to be in another than the Defendant, state the name and address of said person .

10. Where it is alleged that any items were seized from defendant's person, personal effects, motor vehicle, or residence, give the chain of custody and the present location of said items.

11. State whether there was any line-up or confrontation of any kind between Defendant and any witness. If so state where, when, and under what circumstances. Give the names and addresses of those who conducted the line-up or confrontation, of those who participated with Defendant in the line-up or confrontation, and of those who identified Defendant or failed to identify Defendant in the course of the in-person confrontation.

12. Give the names and addresses of any persons involved in any photographic identification procedures relating to Defendant and instant case.

13. Where it is alleged that defendant was afforded a preliminary hearing, state where, when, and the name of the presiding magistrate; state as well whether Defendant was represented by counsel. If so, give his name and address.

E. 1. Give the names and addresses of all persons in the instant case who relate to the issues of ownership, custody, tenancy, or lease.

2. Give the names and addresses of all persons in the instant case who relate to the issue of securing property.

3. Give the names and addresses of all persons in the instant case who relate to the issue of value.
4. Give the names and addresses of all persons in the instant case who relate to the issue(s) of juridical entity status.
5. Give the names and addresses of all persons in the instant case who are alleged to be the intended victims of the Defendant's alleged fraud.
6. Give the names and addresses of the arresting officers in the instant case.
7. Give the names and addresses of any persons involved in the chain of custody of any alleged evidence relevant to the instant case.
8. Give the names and addresses of the investigating officer(s) in the instant case.
9. Give the names and addresses of the complainant in the instant case.
10. Give the names and addresses of all persons alleged to be eye-witnesses to the alleged offense(s).
11. Give the names and addresses of all persons alleged to be at the scene of the crime and the scene of the arrest.
12. Give the names and addresses of all persons alleged to be witnesses to the Defendant's statements.
13. Give the names and addresses of all persons alleged to have performed scientific examinations and analyses pertinent to the instant case.
14. Give the names and addresses of all persons alleged to have performed physical or mental examinations pertinent to the instant case.

15. Give the names and addresses of all persons alleged to be involved in fingerprint evidence in the instant case.

16. Give the names and addresses of all persons alleged to be involved in handwriting evidence in the instant case.

F.

1. Give the names and addresses of all confidential informants involved in the instant case.

2. Where privilege concerning request F(1) is raised, state the grounds for said privilege.

3. State in detail how said confidential informant(s) has been involved in the instant case, and how he has worked with the police as against Defendant.

4. State whether said confidential informant(s) has a past criminal record and/or is or was a user of narcotic drugs.

G.

1. State whether there was employed in the instant case either wiretapping and/or electronic eavesdropping.

2. If so, identify the specific court order(s) or warrant(s) upon which such activity was predicated. Give as well the name and address of the affiant upon which said order(s) or warrant(s) was based.

3. If G(1) is answered in the affirmative, state where, when, and how said devices were used against Defendant. State whether any of the Defendant's conversations were recorded. Give the names and addresses of those persons who employed said devices against Defendant.

H. SEE ATTACHED SCHEDULE

IN SUPPORT OF this motion for Statement of Particulars
the following is cited:

1. The functions of a Bill of Particulars are to protect the Defendant against a second prosecution for the same offense, 41 Am. Jur. 2nd Indictments and Informations, s.163; Feeney v. U.S., 392 F. 2nd 541 (1968); to prevent surprise at trial, 17 Fla. Jur., Indictments and Informations, s. 63; to obtain information as to the nature and cause of the accusation, 17 Fla. Jur Indictments and Informations, s. 62; to give all necessary information in order to enable the Defendant to prepare his defense, Middleton v. State, 76 So. 785 (1917) ; 41 Am. Jur. 2nd, Indictments and Information, s. 163; to obtain specification of the acts on which the prosecution intends to rely, 41 Am. Jur. 2nd, Indictments and Informations, s. 159. Resultingly, the information requested by the present motion for Bill of Particulars simply requests but that information of which it is the legal function of the Bill of Particulars to give.

2. The present Motion for a Statement of Particulars does not exceed the lawful office of a Bill of Particulars. Nowhere does it contain any requests for disclosure of evidence or of matters which are largely evidentiary in character, 41 Am. Jur. 2nd, Indictments and Informations, s. 168; its requests stand only as the means of obtaining facts for preparation of defense which are not as accessible to the Defendant as they are to the State, 41 Am Jur. 2nd, Indictments and Informations, s. 166. Its thrust is not the disclosure of evidence; rather its thrust is the specification of those material facts of the crime charged which are known to the State and essential for the preparation of a defense.

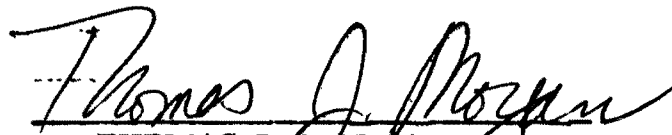
3. It is submitted that unless Defendant is given specific information known by the State relating to the matters of arrest, search and seizure, handwriting exemplars, fingerprints, constitutional warnings, custodial statements, and pre-trial identification confrontations, the State necessarily denies the Defendant the due process of the law recognized by the Fourteenth Amendment; for, by deliberately withholding such information, the State effectively prevents the Defendant from adequately asserting and exercising his constitutional rights recognized in Wong Sun v. U.S., Mapp v. Ohio, Miranda v. Arizona, Wade v. U.S., and Davis v. Mississippi; and from enjoying the right to the effective assistance of counsel for his defense.

4. Rule 1.140 (n) of the Florida Rules of Criminal Procedure states that the Court upon motion shall order the prosecuting attorney to furnish a statement of particulars when the indictment or information fails to inform the Defendant of the particulars of the offense sufficiently to enable him to prepare a defense. Such Statement of Particulars shall specify as definitely as possible the place, date, and all other material facts of the crime charged that are specifically requested and are known to the prosecuting attorney. Reasonable doubts concerning the construction of this rule shall be resolved in favor of the Defendant.


It is submitted that the requests for specific information in the present motion relate to what is designated in Rule 1.140(n) as Material Facts of the crime charged. If doubt is raised as to this suggestion, then, under Rule 1.140(n), such doubt must be resolved in favor of the Defendant unless such doubt is more than reasonable.

WHEREFORE THE Defendant prays this Honorable
Court grant this his motion for Statement of Particulars.

Respectfully submitted,
PHILLIP A. HUBBART
PUBLIC DEFENDER


THOMAS J. MORGAN
Assistant Public Defender

I HEREBY CERTIFY that a true and correct
copy of the foregoing motion for Statement of Particulars was
delivered to the office of the Honorable RICHARD E. GERSTEIN,
State Attorney, this 18th day of November 1971.


THOMAS J. MORGAN

CRIMINAL COURT OF RECORD
DADE COUNTY, FLORIDA

CAPIAS

FILED
OCT 15 1971
J. F. McCRACKEN
CLERK

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA, GREETINGS:

You are Hereby Commanded to take HECTOR CORNILLLOT LLANO

if he be found in your County, and him safely keep so that you have his body before the Judge of our Criminal Court of Record in and for the County of Dade and State of Florida in Miami, instanter, to answer unto the State of Florida on an information filed against him by the State Attorney for UNLAWFUL THROWING, PLACING OR DISCHARGING A BOMB

And have you then and there this writ
WITNESS, J. F. McCRACKEN, Clerk of said Court, and the seal of our said Court, in Miami aforesaid, this 14 day of October, A. D. 19 70

J. F. McCRACKEN, Clerk

By M B Dayton
Deputy Clerk

RICHARD E. GERSTEIN, State Attorney

* * * * *

8725.00
9.75
884.75

Received this Capias the 14 day of October, A.D. 19 70
and executed it on the 12 day of October, A.D. 19 71,
by arresting the within named Hector C. Llano
and having him now before the Court this _____ day of _____,
A.D. 19 _____.

E. WILSON PURDY, DIRECTOR
PUBLIC SAFETY DEPARTMENT
Sheriff

Appearance Bond fixed at \$ _____
this _____ day of _____, 19 _____

Judge.

By R. Rossman
Deputy Sheriff
MILES 8093

PDA:amv

M

CRIMINAL COURT OF FLORIDA
DADE COUNTY, FLORIDA
70-8883

FILED -
NOV 29 1971
J. F. McCracken
CLERK


STATE OF FLORIDA
Plaintiff, :
vs. :
HECTOR LLANO
Defendant. :
_____ :

MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO STAY

In support of its Motion to Stay the United States
relies on 28, C.F.R., Section 16.11, 16.12 and 16.14 and the Supreme
Court case of United States ex rel Touhy v. Ragen, 340 U.S. 462,
71 S. Ct. 416 (1951).

Respectfully submitted,

ROBERT W. RUST
UNITED STATES OF AMERICA

by 
PETE D. AIKEN
Assistant U.S. Attorney

I HEREBY CERTIFY that a copy of the foregoing
Memorandum of Law in support of Motion to stay was sent this
26th day of November, 1971, to Phillip Hubbart, Public Defender,
11th Judicial Circuit.



PETE D. AIKEN

Wink's
File

M

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883

FILED
DEC 3 1971
J. F. BUCKEN

STATE OF FLORIDA

VS.

HECTOR C. LLANO

DEFENDANT.

RESPONSE TO DISCOVERY MOTIONS

Comes now the State of Florida by and through the undersigned Assistant State Attorney and hereby makes and files the following pleadings in response to the defendant's discovery motions:

I. Statement of Particulars

a. The State charges that the offense enumerated in the information in the within cause occurred on the 18th day of October, 1968, at or in the vicinity of 6988 Collins Avenue, Miami Beach, Florida, and at or in the vicinity of 1:25 A.M.

b. The State alleges that the defendant committed the offense charged in the information by fabricating and/or constructing and/or placing and/or locating within the premises contained in the aforescribed address an explosive device or devices a more particular description being to the State Attorney unknown.

c. The property which was damaged as a result of the aforesaid acts was a commercial office and its furnishings, furniture and fixtures as well as certain aspects or portions of its structure (both internal or external) all of which were the property of "Air Canada", a Crown Corporation organized and existing under the laws of the Dominion of Canada, as owner, tenant or lessee.

II. In response to the defendant's Motion for Reciprocal Discovery, the defendant by and through his counsel

X

may make such inspections and/or duplications as are permitted to the defendant by Rule 1.220 (a) and Rule 1.220 (b) CrPR at a time mutually convenient to both counsel and by appointment with the undersigned; and demand is hereby made upon the defendant's attorney to comply with applicable parts of Rule 1.220 (c) CrPR. The State puts the defendant and his counsel on notice of the fact that there is evidence relating to tangible things which the State intends to use at the time of trial.

III. Predicated upon the defendant's offer to furnish the State with a list of defense witnesses the following constitutes a list of the names of all persons known to the State who may have information or evidence relevant to the crime charged in the information:

- a. VIC LEONARD
237 E. Schick Rd.
Chicago, Illinois
- b. AGENTS JOSEPH S. DAWSON,
- c. THOMAS J. STICKNEY,
- d. RICHARD CASTILLO,
- e. BERNARDO M. PEREZ,
- f. JOHN PHELPS
3801 Biscayne Boulevard
Miami, Florida
- g. DETS. K. IRVING,
- h. L. REILLY
Miami Beach Police Dept.
- i. CAPT. TOM BRODIE, PSD
- j. OFF. D. M. MONSOOR, PSD

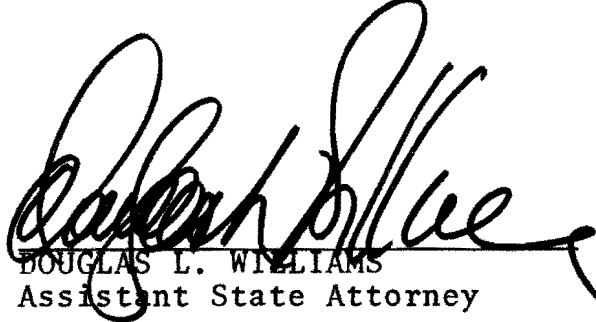
Demand is hereby made upon defense counsel to comply with the aforementioned offer to furnish the State with a list of witnesses and to do so in accordance with the requirements and limits imposed by Rule 1.220 (e) CrPR.

RICHARD E. GERSTEIN
STATE ATTORNEY


DOUGLAS L. WILLIAMS
Assistant State Attorney

CERTIFICATE OF SERVICE

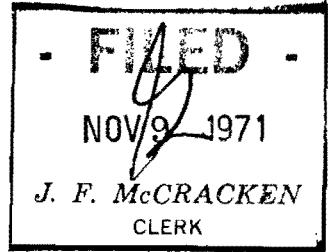
I HEREBY CERTIFY that a true and correct copy of the foregoing Response to Discovery Motions was delivered to the office of the PUBLIC DEFENDER, 5th Floor, Justice Building, 1351 N.W. 12 Street, Miami, Florida, this 1 day of ~~November~~ ^{December}, 1971.


DOUGLAS L. WILLIAMS
Assistant State Attorney

M

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

) Case No. 70-8883



STATE OF FLORIDA)

- vs -)

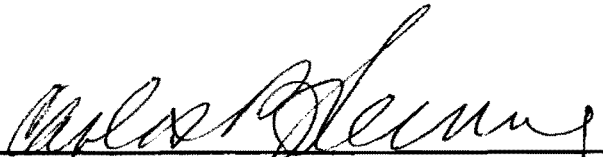
) NOTICE OF APPEARANCE

HECTOR CORNILLO LLANO,)

Defendant,)

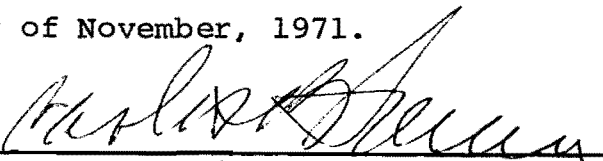
_____)
The Clerk of the above Court will please be notified that the undersigned CARLOS B. FERNANDEZ will represent the abovenamed Defendant.

Dated at Miami, Dade County, Florida, this 6 day of November, 1971.



CARLOS B. FERNANDEZ
Attorney for Defendant

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Appearance was mailed to Richard Gerstein, State Attorney, this 6 day of November, 1971.



CARLOS B. FERNANDEZ
Attorney for Defendant

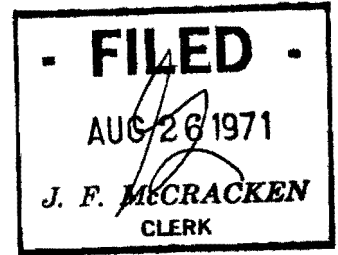
Unlf. throwing; placing or discharging a bomb

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883 DIV. E

THE STATE OF FLORIDA,)
)
Plaintiff,)
vs.)
)
HECTOR CORNILLOT LLANO)
)
Defendant.)


ORDER



PHILLIP A. HUBBART, Public Defender for the Eleventh
Judicial Circuit of Florida, having been appointed by the Court
to represent the above-named Defendant in the above-styled
cause, and the Court being fully advised in the premises, it
is hereby

ORDERED AND ADJUDGED, pursuant to Florida Statute
Section 27.56 (1), that the value of his services is hereby
fixed at \$ 350.00.

DONE AND ORDERED in Miami, Florida, this 17th
day of August A.D., 197 1.



JUDGE, CRIMINAL COURT OF RECORD

-- FILED --
NOV 17 1971
KEN

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883

STATE OF FLORIDA, :

-vs- :

AFFIDAVIT OF INSOLVENCY

Defendant. :

HECTOR CORNILLOT LLANO :

BEFORE ME, the undersigned authority, personally appeared Hector Cornillot Llano, Defendant in the above-styled cause, who being first duly sworn, deposes and says that he is insolvent at the present time, that he has no funds with which to retain counsel, and that he is financially unable to pay the costs of any judicial proceedings in this cause, including trial and appeal. Defendant further deposes and says that he has not divested himself of any property, either real or personal, in order to take advantage of this oath. Defendant understands that a judgment or lien will be imposed against him in favor of the State of Florida for an amount which shall constitute the reasonable value of the legal services rendered the Defendant by the Public Defender of the Eleventh Judicial Circuit of Florida.

Hector M. Cornillot
Defendant

Sworn to and subscribed before me this 17th day of November, 19 71.

Lyle A. Fullmer
Deputy Clerk, Criminal Court of Record
of Dade County, Florida

ORDER DECLARING DEFENDANT INSOLVENT AND APPOINTING COUNSEL

After due and careful consideration, being satisfied of the good faith and truth of the foregoing Affidavit, I hereby adjudge the Defendant, Hector Cornillot Llano, insolvent for all judicial proceedings in this cause including trial and appeal, and the Public Defender for the Eleventh Judicial Circuit of Florida is hereby appointed as counsel for the Defendant for all judicial proceedings in this cause, including trial and appeal.

DONE AND ORDERED this 17th day of November, 19 71.

[Signature]
Judge, Criminal Court of Record
Division "E"

IN THE CRIMINAL COURT OF RECORD
IN AND FOR DADE COUNTY, FLORIDA

CASE NO. 70-8883

THE STATE OF FLORIDA,)
)
 Plaintiff,)
)
 -vs-)
)
 HECTOR LLANO)
)
 Defendant.)
)

M

NOTICE OF TAKING DEPOSITION

- FILED -
NOV 18 1971
J. F. McCracken
CLERK

TO: RICHARD E. GERSTEIN
State Attorney
Metropolitan Justice Building
1351 N. W. 12th Street
Miami, Florida 33125

YOU ARE HEREBY notified that the undersigned attorney of record for

defendant, HECTOR LLANO, herein is taking the
deposition of ~~XXXXXX~~ Agent Joseph S. Dawson; Agent Thomas J. Stackney; Off Lewis Youngman
Off. D. M. Monsoor
deposition of Det. Irving and L. Keilly, at 2:00 P. M.,
Capt. Tom Brodie; Agent X Castillo; Bernardo M. Perez; Agent John Phelps;
on THURSDAY, the 2ND day of DECEMBER, 19 71,

at the Public Defender's Office, Room 508, Metropolitan Justice Building, 1351 N.W. 12th Street,
Miami, Florida 33125.

Respectfully submitted,

PHILLIP A. HUBBART
Public Defender
11th Judicial Circuit of Florida

By *Thomas J. Morgan*
Assistant Public Defender
THOMAS J. MORGAN

I HEREBY CERTIFY that a true copy of the above and foregoing Notice
of Taking Deposition was hand delivered to the addressee herein, this 18th day of
November, 19 71.

Thomas J. Morgan
THOMAS J. MORGAN

Clerk's File

IN THE CRIMINAL COURT OF RECORD IN AND FOR DADE COUNTY, FLORIDA

CAUSE NUMBERED 70-8883

STATE OF FLORIDA

vs

HECTOR C. LLANO

DEMAND FOR NOTICE
OF INTENTION TO RELY UPON
ALIBI

FILED -
DEC 3 1971
J. F. McCRACKEN
CLERK

RICHARD E. GERSTEIN, State Attorney of the Eleventh Judicial Circuit of Florida, herewith files its written demand for Notice Of Intention To Rely Upon Alibi by the defendant ___ in this cause; and, pursuant to Rule 1.200 of the Florida Rules of Criminal Procedure, the State alleges as specifically and particularly as is known to the prosecutor herein the place, date and time of the commission of the crime as follows: to-wit:

The alleged crime was committed at: or in the vicinity of
6988 Collins Avenue, Miami Beach, Florida

on or about 1:25 A M. on the 18th day of October, 19 68.

WHEREFORE, the State, having fully complied with the provisions of Rule 1.200, demands complete and continuing disclosure relating to this defense as by the said rule is prescribed and respectfully moves that the Court direct the defense to furnish said information not less than 30 days prior to date of trial.

RICHARD E. GERSTEIN, State Attorney
Eleventh Judicial Circuit of Florida

By *Douglas L. Williams*
Assistant State Attorney
DOUGLAS L. WILLIAMS

CERTIFICATE OF SERVICE

The undersigned hereby CERTIFIES that a copy of the above and foregoing DEMAND FOR NOTICE OF INTENTION TO RELY UPON ALIBI was delivered (mailed or delivered)

to: OFFICE OF THE PUBLIC DEFENDER, 1351 N.W. 12 St., Miami

Attorney for Defendant _____, this the 18th day of December, 19 71.

RICHARD E. GERSTEIN, State Attorney
Eleventh Judicial Circuit of Florida

By *Douglas L. Williams*
Assistant State Attorney
DOUGLAS L. WILLIAMS

DLW:ry

