

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

CASE NO. 70-8883

THE STATE OF FLORIDA, )

- vs - )

HECTOR CORNILLOT LLANO, )

Defendant. )

NOTICE OF APPEAL

**-FILED-**  
MAY 22 1972  
J. F. McCRACKEN  
CLERK  
takes

The Defendant, HECTOR CORNILLOT LLANO,

and enters his appeal to the District Court of Appeal, Third District of Florida, to review the order, judgment and sentence of the Criminal Court of Record, in and for Dade County, Florida, bearing date the 5th day of May A. D., 1972, and rendered on the 5th day of May A. D., 1972

The nature of the order appealed from is a final judgment of conviction and sentence.

All parties to said cause are called upon to take notice of the entry of this appeal.

DATED this 19th day of May, A. D., 1972.

~~ROBERT L. McCRACKEN~~ HAROLD MENDELOW  
Special Public Defender  
11th Judicial Circuit of Florida

By: Harold Mendelow  
HAROLD MENDELOW  
Special Assistant Public Defender

I HEREBY CERTIFY that I have, this date, served a true and correct copy of the foregoing Notice of Appeal upon the office of State Attorney of the Eleventh Judicial Circuit of Florida, 1351 N. W. 12 Street, Miami, Florida, this 19th day of May, 1972.

Harold Mendelow  
HAROLD MENDELOW

Filed this \_\_\_\_\_ day of \_\_\_\_\_  
A. D., 19\_\_\_\_ and recorded in  
Criminal Court of Record, Minutes  
No. \_\_\_\_\_ on Page \_\_\_\_\_.

J. F. McCRACKEN, Clerk  
By \_\_\_\_\_ Deputy

**FILED AND RECORDED  
IN CRIMINAL COURT OF RECORD  
MINUTES AS INDICATED HEREON**

J. F. McCRACKEN, Clerk

By: JURIS McVAY  
Deputy Clerk

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

Case No. 70-8883

**--FILED--**  
MAY 5 1972  
J. F. McCracken  
L. K.

THE STATE OF FLORIDA

VS.

HECTOR CORNILLIOT  
LIANO

**VERDICT**

We, the jury, at Miami, Dade County, Florida, this 5<sup>th</sup> day of MAY

A. D., 19 72, find the defendant, guilty

Jerome K. Ozikan  
James R. Cox  
June Carley  
Lee S. Shapiro  
Elizabeth R. McLenzo

So Say We All.

Jack Bronstein  
Foreman

Filed this 5<sup>th</sup> day of May

A. D. 19 72 and recorded in Criminal Court  
of Record, Minutes No. 544 on Page 167

J. F. McCracken, Clerk  
By IRENE L. MICHEL Deputy

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

CASE NUMBER: 70-8883

THE STATE OF FLORIDA, :

Plaintiff, :

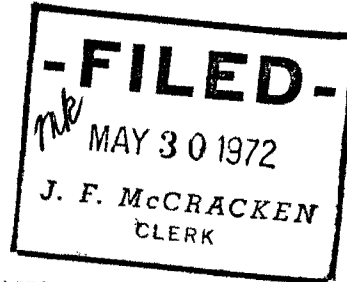
vs. :

DIRECTIONS TO THE CLERK

HECTOR CORNILLOT LLANO, :

Defendant. :

\_\_\_\_\_ :



COMES NOW the Defendant, HECTOR CORNILLOT LLANO,  
by and through his undersigned attorney, PHILLIP A. HUBBART, Public  
Defender for the Eleventh Judicial Circuit of Florida, and files  
this his Directions to the Clerk to make up the transcript of record  
for the District Court of Appeal of Florida, Third District, in the  
above-styled cause, and to recite and insert in said record the  
following,

1. Recite the information, and insert the same in full.
2. Recite the entry of, and copy in full, all of the  
minutes of the Clerk of said Court pertaining to said cause, and  
insert the same in full, including minute book and page numbers,  
excepting the recordation of written instruments filed therein.
3. Recite the entry of any plea, minute book and page  
number, and insert the same in full.
4. Recite the verdict, judgment and sentence in said  
cause, and insert the same in full, together with the minute book  
and page number.
5. Recite the Notice of Appeal, and insert the same in  
full.
6. Recited the Defendant's Assignments of Error and  
insert the same in full.

7. Recite the Defendant's Directions to the Clerk, and insert the same in full.

8. Attach to the transcript of this record your Certificate.

9. Include all Defendant's Pre and Post Trial Motions, the rulings thereon and the State's responses thereto.

10. Incorporate the transcript of testimony and proceedings as prepared and Certified by the Court Reporter.

11. Include all Exhibits received in evidence, which can be copied.

Respectfully submitted,

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

BY: Harold Mendelow  
HAROLD MENDELOW

Special Assistant Public Defender

I HEREBY CERTIFY that a true and correct copy of the foregoing Directions to the Clerk was furnished by personal service to the office of the Honorable RICHARD E. GERSTEIN, the State Attorney, 1351 Northwest Twelfth Street, Miami, Florida, and a copy was personally delivered to the office of the Honorable ROBERT L. SHEVIN, Attorney General, 1350 Northwest Twelfth Avenue, Miami, Florida, this 26th day of May, 1972.

Harold Mendelow  
HAROLD MENDELOW

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

NO. 70-8883

**FILED**  
MAY 5 1972  
J. F. MCCracken  
CLERK

THE STATE OF FLORIDA, :  
vs. :  
HECTOR CORNILLOT LLANO :  
Defendant. :

MOTION FOR NEW TRIAL

COMES NOW the defendant, HECTOR CORNILLOT LLANO  
by and through his undersigned attorney, the Public Defender for the Eleventh Judicial Circuit  
in and for Dade County, Florida, and files this his Motion For New Trial on the following  
grounds:

1. That the verdict is contrary to the Law.
2. That the verdict is contrary to the weight of the evidence.
3. That the verdict is contrary to the Law and/or the weight of the evidence.

WHEREFORE, defendant requests that the Court grant unto him a new trial  
and/or, in the alternative, vacate the adjudication and sentence and enter a verdict of Not Guilty.

PHILLIP A. HUB BART  
~~XXXXXXXXXXXX~~  
Public Defender  
Eleventh Judicial Circuit of Florida

By Stephen Mechanic/SM  
STEPHEN MECHANIC  
Assistant Public Defender

I HEREBY CERTIFY that a true copy of the above and foregoing was de-  
livered to the office of RICHARD E. GERSTEIN, State Attorney, 1351 N. W. 12th Street, Miami,  
Florida, this 5th day of May 19 72.

MAY 5 1972  
S Kaplan  
A Mechanic  
C Nelson

By Stephen Mechanic/SM  
STEPHEN MECHANIC

Advised -  
(See minutes)

MEMORANDUM

107.07-17 A

TO APPELLATE DIVISION  
State Attorney's Office

FROM J. F. McCRACKEN, Clerk  
Criminal Court of Record

DATE July 20, 1972

SUBJECT The State of Florida  
vs. #70-8883  
Hector Cornillot Llano

Judge Paul Paker

Charge: Unlawful Throwing, Placing or Discharging a Bomb

Order Denying Motion to Dismiss entered on May 3, 1972

Defendant in Proper Person.

DISTRICT COURT OF APPEAL, THIRD DISTRICT ORDER DISMISSING APPEAL filed in my office this date. (Case is currently on appeal from judgment and sentence)

The defendant is currently incarcerated in the custody of the Division of Corrections.

cc: Judge Paul Baker  
Records Section, SAO

70-8883

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JANUARY TERM, A.D. 1972  
FRIDAY, JUNE 9, 1972

**-FILED-**  
*mk* JUL 20 1972  
J. F. McCracken  
CLERK

HECTOR M. CORNILLOT LLANO,  
Appellant,  
vs.  
THE STATE OF FLORIDA,  
Appellee.

\*\*  
\*\*  
\*\* CASE NO. 72-578  
\*\*  
\*\*  
\*\*

Upon consideration of appellee's motion to dismiss appeal,  
it is ordered that said motion is granted and this appeal from the  
Criminal Court of Record for Dade County, Florida (Case No. 70-8883)  
be and the same is hereby dismissed.

A True Copy

ATTEST:



Clerk District Court of  
Appeal, Third District

cc: Arnold R. Ginsberg  
Hector Cornillot Llano  
Paul Baker  
J. F. McCracken

/ddh

MEMORANDUM

107.07-17A

TO APPELLATE DIVISION  
State Attorney's Office

FROM RICHARD P. BRINKER, Clerk  
Circuit Court

DATE January 12, 1973

SUBJECT The State of Florida  
vs. #70-8883 (formerly  
Criminal Court of Record)  
Hector Cornillot Llano

*Betty J. Bailey*

---

Judge Arthur E. Huttoe

Convicted of: Unlawful Throwing, Placing or Discharging a Bomb

Sentence: May 5, 1972 - 30 years State Penitentiary

Attorney for Defendant: Harold Mendelow and Albert L. Carricarte

DISTRICT COURT OF APPEAL, THIRD DISTRICT MANDATE AFFIRMING JUDGMENT AND SENTENCE filed in my office this date.

The Defendant is currently incarcerated in the custody of the Division of Corrections.

cc: Judge Arthur E. Huttoe  
Records Section, SAO  
Central Records, SO  
Supervisor of Registration  
Division of Corrections (Fla.)



# MANDATE

From  
DISTRICT COURT OF APPEAL OF FLORIDA  
THIRD DISTRICT

To the Honorable, the Judges of the CRIMINAL Court OF RECORD  
IN AND FOR DADE COUNTY of Florida, Greetings:

WHEREAS, Lately in the CRIMINAL Court of RECORD  
IN AND for the County of DADE

in a cause therein styled:

THE STATE OF FLORIDA,

HECTOR CORNILLLOT LLANO,

(Criminal No. 70-8883)

Plaintiff  
vs.  
Defendant.

**- FILED -**  
JAN 12 1973  
RICHARD P. BRINKER  
CLERK

the judgment of said Court was rendered May 5, 1972,  
as appears by inspection of the pertinent record of the said Court in said cause, which was brought into the District  
Court of Appeal of Florida, Third District, by virtue of proceedings agreeable to the laws of said State in such case  
made and provided.

AND WHEREAS the said cause came on to be heard before the said District Court in consideration whereof,  
on December 19, 1972, the said District Court rendered its opinion and  
judgment in said cause as per copy thereof hereto attached and made a part hereof, therefore:

It is Ordered by the Court that the appellee do have and recover of and from the  
County of Dade costs in this behalf expended herein ~~XXXXXX XXXXX XXXX XXXXX~~, and that  
all costs shall be taxed in the said lower court; and

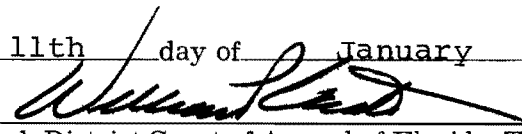
YOU ARE HERE COMMANDED, That such further proceedings be had in said cause as according to right,  
justice, the judgment of said Court, and the laws of the State of Florida, ought to be had, the said judgment

of the Criminal Court notwithstanding.

WITNESS, The Honorable THOMAS H. BARKDULL, JR.

Chief Judge of said District Court and seal of said Court at Miami, this

11th day of January, 1973.

  
Clerk District Court of Appeal of Florida, Third District

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING PETITION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 1972

HECTOR CORNILLOT LLANO,                   \*\*  
  Appellant,                   \*\*  
  vs.                               \*\*    CASE NO. 72-649  
THE STATE OF FLORIDA,                   \*\*  
  Appellee.                   \*\*  
  \*\*

Opinion filed December 19, 1972.

An Appeal from the Criminal Court of Record for Dade County,  
Arthur E. Huttoe, Judge.

Harold Mendelow; Albert L. Carricarte, for appellant.

Robert L. Shevin, Attorney General and Arnold R. Ginsberg,  
Assistant Attorney General and Richard Rosen, Legal Intern, for appellee.

Before PEARSON and HENDRY, JJ., and WARD, C. LAVON, Associate Judge.

PER CURIAM.

The defendant, Hector Cornillot Llano, was charged by information with unlawfully throwing, placing or discharging a bomb with intent to do damage to the property of Air Canada, a Crown Corporation, at its office located in Miami Beach, Florida. The information was filed on October 14, 1970, but because of the defendant's incarceration in another state, he was not arraigned until November 17, 1971. Prior

to the arraignment, the defendant had been adjudged insolvent and the public defender was appointed to represent him. Thereafter, private counsel appeared on behalf of the appellant and moved for a continuance of the trial date set by the court. The defendant was tried before a jury on May 5, 1972. He was found guilty as charged and sentenced to thirty years in prison. This appeal is from that judgment and sentence.

Appellant is represented on this appeal by able counsel specially appointed as a public defender to bring this appeal. It is apparent from the record that appellant has not cooperated with those assigned to aid him in his defense. At trial, the appellant maintained that he had a constitutional right not to have counsel.

On this appeal, appellant urges reversal under three points which we will discuss as they are presented. The first point urges that the trial court erred in denying defendant's motion for discharge pursuant to his demand for a speedy trial. Motions for discharge pursuant to Rule 3.191, CrPR, 33 F.S.A., appear at three places in the record. The first motion is by a writing entitled "Motion to Dismiss directed to: The Honorable Helen Morphonious." This motion recites that "previous to the present application movant herein addressed the Florida State Supreme Court on Dec. 11, 1970 in the manner of a legal notarized document entitled 'Motion for a Quick, Fair and Speedy Trial, Petition for issuance of a Writ of Mandamus.'" Thereafter, appellant recites that he is entitled to a discharge pursuant to Rule 3.191, CrPR, 33 F.S.A. A similar motion was denied by the trial court on May 3, 1972. Subsequently, immediately prior to the trial on May 5, 1972, an oral motion to dismiss was presented

upon the same grounds. This motion was also denied. There is no doubt that the constitutional right to a speedy trial may be waived by conscious decisions of trial strategy. *Zerschausky v. Beto*, 396 F.2d 356 (5th Cir. 1968). On this appeal, appellant does not attempt to demonstrate that a constitutional right was violated inasmuch as he does not argue that he was not brought to trial within a reasonable time, but he argues that the criminal procedure rule providing for speedy trial has been violated. It is likewise clear that when defendant or his counsel request a continuance the time limitations on the speedy trial rule are no longer applicable. *State ex rel. Butler v. Cullen*, Fla. 1971, 253 So.2d 861. The record in the present instance contains a motion for continuance by privately retained counsel for the defendant, and requests for continuance by public defenders who are still working to afford appellant all legal protection available even though their services have been rejected by him. We hold that no error has been demonstrated upon the denial of the written motion for dismissal or the oral motion made at the beginning of the trial.

The second point presented for reversal urges that the trial court erred in not granting defendant's motion for judgment of acquittal because the testimony was insufficient to identify defendant as the perpetrator of the crime. At the trial, one of the witnesses, a Federal Bureau of Investigation agent, testified to a confession by the appellant. At that time, he was not asked to point to the defendant as the person who confessed to him. The witness did, during his testimony, refer to the defendant both by his name and by designating him as the defendant. No objection to or motion to strike the testimony was made by the defense. Nevertheless, it was argued on motion for acquittal that the identification was not sufficient. We

hold that error has not been presented under these circumstances.

Appellant's third point claims reversible error upon the trial court's denial of his motion for judgment of acquittal "inasmuch as one of the essential points of the information, one dealing with the ownership or existence of Air Canada, a Crown Corporation, was not proven." We have examined the record in the light of this point and find that the evidence was sufficient to establish that the ownership of the premises bombed was Air Canada as owner, tenant or lessee and that it was not fatal for the State to fail to establish the corporate structure of Air Canada, a Crown Corporation. The premises were fully identified so that there is no possibility of double jeopardy. *Sifford v. State*, Fla.App.1967, 202 So.2d 14. In addition, it was proved that appellant placed a bomb in the office located at 6988 Collins Avenue, Miami Beach, which was the city ticket office of Air Canada. We hold that the charge was proved as to the identity of the property bombed.

Since we have considered each point and find no reversible error, the judgment and sentence are affirmed.

Affirmed.

TO **THE HONORABLE RICHARD E. GERSTEIN**  
 State Attorney of the Eleventh  
 Judicial Circuit of Florida

FROM **J. F. McCracken, Clerk**  
 Criminal Court of Record

DATE **May 5, 1972**

SUBJECT **The State of Florida**  
**vs. # 70-8883**  
**Hector Cornillot Llano**

Judge **Baker**

The attached were filed in this office this date and have been scheduled for a hearing on ~~May 12, 1972~~ *May 16, 1972*

Please cause the same to be placed on the Court's calendar that date.

- Attached:
- 1- **Motion to Proceed in Forma Pauperis (Defendant taking appeal, in Proper Person, from Order Denying Motion to Dismiss)**
  - 2- **Designation to Court Reporter**

cc: ~~Public Defender~~  
~~w/ cc of attachment~~

**Calendar**

MAY 16 1972

*S. Boland*

*S. Mecharri*

*J. Santiago*

*Grant*

*Appst*

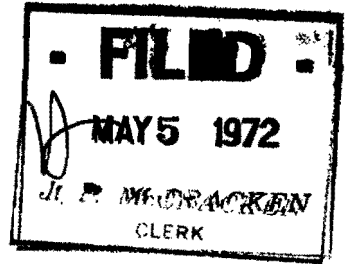
*S. Mendelow*

*Sy P.D*

X

In and for the CRIMINAL COURT OF RECORDS.  
COUNTY OF DADE, STATE OF FLORIDA

Hector M. Cornillot Jr. } RE: CRIM. CASE NO: 70-8883.  
Appellant }  
vs. }  
State of Florida }  
Appelle }



MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Comes now the Appellant, Hector M. Cornillot Jr. and moves this honorable Court to GRANT him LEAVE TO PROCEED in forma PAUPERIS. With his notice of APPEAL which will be attached to this motion.

I, Hector M. Cornillot Jr. being first duly sworn, Deposes and says, That in support of my motion for LEAVE to PROCEED in forma PAUPERIS, I state that because of my INCARCERATION in PRISON, that I have no PROPERTY, NOR ASSETS REAL OR PERSONAL, nor have I dispose of ANY PROPERTY OR ASSETS in order to AVOID the cost of this APPLICATION AND PROCEEDINGS. THEREFORE I believe I'm entitled to redress.

Appellant humbly prays that he be ADJUDGED insolvent for the purpose of this proceedings, AND be ALLOWED to proceed in forma PAUPERIS.

Respectfully Submitted  
Hector M. Cornillot  
APPELLANT in PROSE.

Subscribed AND Sworn to by AND for me this \_\_\_\_\_  
day of \_\_\_\_\_ 1972

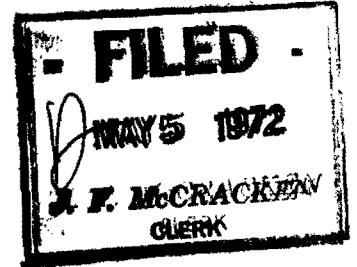
\_\_\_\_\_  
Notary Public  
my commission expires \_\_\_\_\_

In and for the Criminal Court of Records,  
County of Dade, State of Florida.

Hector M. Cornillot Jr.)  
- vs. Appellant )

RE: Crim. Case No. 70-8883.

State of Florida.)  
Appellee )



Designation to the Court Reporter

Comes now the Appellant, Hector M. Cornillot Jr. and moves this Court pursuant to Florida Appellate Court ~~Code~~ ~~Rules~~ Co.R. to direct the Court Reporter to:

(I) transcribed and prepare all the notes and testimony taken in the above style cause including all the records requested in appellants directions to the ~~Court~~ clerk and all arguments of counsel and instruction of the court. if any and all arguments of the appellant himself and instructions of the court

(II) Certified the corrections of ~~the~~ said notes and records requested.

(III) filed the original and one copy of such transcribed notes ~~or~~ or transcripts of all the records requested duly certified with the clerk of said court furnishing one copy to the 3<sup>rd</sup> Court of Appeal and one copy of all records going on appeal to the appellant. At 1321 N.W. 13 St. Miami, Fla. Dade County Jail, cell block 60-2

Respectfully Submitted,  
Hector M. Cornillot Jr.  
Appellant in P20-52

Subscribed and sworn to, by and before me this  
day of \_\_\_\_\_ 1972

(I)

Notary Public  
my commission expires \_\_\_\_\_



Certificate of Service

I, hereby certified that the original copy of this foregoing notice of appeal and motions to proceed in forma pauperis is being filed with the clerk of the Criminal Court of Records and that a true and correct copy is being sent to the honorable William P. Carter Clerk of the Third District Court of Appeals by U.S. mail this 10<sup>th</sup> day of January, 1972

by Hector M. Cornillot  
appellant in Pro-se

Subscribed, ~~by~~ and sworn to, by and before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 1972

\_\_\_\_\_  
Public Notary

\_\_\_\_\_  
my commission expires

TO THE HONORABLE RICHARD E. GERSTEIN  
State Attorney of the Eleventh  
Judicial Circuit of Florida

FROM J. F. McCracken, Clerk  
Criminal Court of Record

DATE January 4, 1972

SUBJECT The State of Florida  
vs. # 70-8883  
Hector Cornillot Llano

Judge

*clm*

JAN 6 1972

The attached were filed in this office this date and have been scheduled for a hearing on **January 10, 1972 (9 am)** *Reset*

Please cause the same to be placed on the Court's calendar that date.

*May 1, 1972 M*

Attached: **Motion to Dismiss**

cc: Public Defender  
w/ cc of attachment

cc: Deft in Dade County Jail

*J. Baker*

DATE OF HEARING *MAY 8 1972*

STATE *W. Kaplan*

DEPT *R. Dennis*

INVEST *J. Santiago*

*Dennis*

*Dennis*

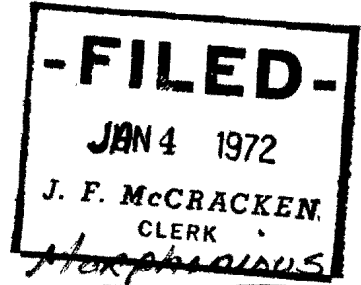
In and for the Criminal Court of Records  
County of Dade, State of Florida

Hector m. Cornillot Jr. }  
Movant

vs.

State of Florida }  
Respondant

CASE NO. 40.580 70-PPS



Motion to Dismiss

Directed to: The honorable Hellen Morphous

Comes now the movant Hector m. Cornillot Jr.  
AND moves this honorable Court to dismiss ALL CHARGES pending against him in CASE NO. 40.580 Pursuant Rule 1.191 (B)(3) AND (B)(2) OF THE STATE OF FLORIDA RULE OF CRIMINAL PROCEDURE.

Statement of Case and Facts.

I) That previous to the present application movant herein addressed the Florida State Supreme Court on Dec. 11, 1970. In the manner of a legal notarized document entitled:

"Motion for a quick, fair and speedy trial, Petition for issuance of a writ of Mandamus." Sending copies of said petition to:

Office of the Clerk  
Supreme Court of the State  
of Florida, Tallahassee, Fla.

Office of the Governor of the  
State of Florida, Tallahassee, Fla.

OFFICE OF THE DISTRICT ATTORNEY  
DADE COUNTY, FLA.

ATTORNEY GENERAL OFFICE  
FOR THE STATE OF FLORIDA  
TALLAHASSEE, FLA.

OFFICE OF THE GOVERNOR OF THE  
STATE OF CALIFORNIA  
SACRAMENTO, CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL  
FOR THE STATE OF CALIFORNIA  
6000 STATE BUILDING, SAN FRANCISCO  
CALIFORNIA.

(ii) On FEB 18, 1971. Despite his righteous and constitutional claim for a fast and speedy trial. Petitioner's application to the Supreme Court of Florida for a fast and speedy trial was summarily denied without written opinion or indicia of how the constitutional claim presented by movant was answered, whether the denial was based on a procedural error from movant, inadequate jurisdiction of the court, or if simply it was a deliberate disavowal of the constitutional guarantee to enjoy a speedy trial

(SEE EXHIBIT B)

(ii) On May 26, 1971. Movant filed a "Motion and Notice of Motion to Dismiss" with the Florida State Supreme Court. Due to the lack of initiative by the Florida Courts to afford movant with fast and speedy trial sending copies mentioned supra.

(SEE EXHIBIT C)

(ii) ON JUNE 30, 1971 THE SUPREME COURT OF FLORIDA, ON AN UNPRECEDENT MANNER REACTED TO THE MOTION TO DISMISS

AND SUBSEQUENTLY VACATED THEIR PREVIOUS JUDGMENT OF FEB 18, 1971. DENYING MOVANT'S RIGHT TO A SPEEDY TRIAL, BRINGING HIM TO THE STATE OF FLORIDA TO STAND TRIAL, WHEN CHARGE NO. 40.580 SHOULD HAVE BEEN DISMISSED, PURSUANT TO RULE NO. 1.191 §(B)(3) OF THE FLORIDA RULE OF CRIMINAL PROCEDURE.

### ARGUMENT IN SUPPORT OF MOTION

MOVANT HAVING MADE HIS REQUEST FOR FAST AND SPEEDY TRIAL OVER A YEAR AGO, IN COMPLIANCE WITH RULE 1.191 §(B)(3). AND THE STATE OF FLORIDA HAVING FAILED TO AFFORD MOVANT A FAST AND SPEEDY TRIAL ON CASE NO. 40.580 IT NOW APPEARS TO MOVANT THAT THIS CASE IS SUBJECT TO DISMISSAL PURSUANT TO RULE 1.191 §(B)(3) WHICH PROVIDES AS FOLLOWS:

"A PERSON WHO IS IMPRISONED UPON CONVICTION OF A CRIME IN A PENAL INSTITUTION OUTSIDE THE JURISDICTION OF THIS STATE OR A SUBDIVISION THERE OF, AND WHO IS CHARGED WITH A CRIME BY INDICTMENT OR INFORMATION OR TRIAL AFFIDAVIT ISSUE OR FILED WITH THE COURT HAVING JURISDICTION AND UPON SERVICE ON THE PROSECUTING ATTORNEY. AFTER THE DEMAND HAS BEEN FILED, SUCH PERSON IS ENTITLED TO TRIAL WITHIN THE PERIODS OF TIME ESTABLISHED BY §(B)(2). COMMENCING AFTER THE PROSECUTING ATTORNEY HAS FILED A DETAINER OR HAS OTHERWISE ATTEMPTED TO SECURE THE PRESENCE OF THE ACCUSED FOR TRIAL."

IN THE INSTANCES CASE THE STATE OF FLORIDA HAS FAILED TO COMPLY WITH RULE 1.191 §(B)(3) AND ITS TIME LIMITATION SPECIFIED IN §(B)(2) OF RULE MENTIONED SUPRA. THEREFORE THIS CASE IS NOW SUBJECT TO DISMISSAL.

MOVANT FURTHER ARGUES THAT THE SUPREME COURT OF THE UNITED STATES HAS STATED THAT: "EACH OF THE 50 STATES HAS THE RIGHT OF SPEEDY TRIAL GUARANTEED TO HIS CITIZEN" SEE KLOPFER

VS. NORTH CAROLINA, 386 U.S. 813 (1967)

MORE RECENTLY THE COURTS ANNOUNCED, "THAT THE STATES HAVE A CONSTITUTIONAL DUTY TO PROVIDED A CRIMILAR DEFENDANT A SPEEDY TRIAL, EVEN THOUGH THE ACCUSE IS A PRISONER IN ANOTHER JURISDICTION", SEE: "Smith vs. Hoey 393, U.S. 374 (1969) AND Dickey vs Florida 728 U.S. — (MAY 25, 1970)

ALTHOUGH THE SUPREME COURT OF THE UNITED STATES HAS NOT DESIGNATED ANY SPECIFIED OR PRECISE BOUNDARIES OF TIME LIMIT WITHIN IT IS MANDATORY UPON THE STATE TO PROVIDE AN INDIVIDUAL CHARGED WITH CRIME A TRIAL, THE STATE OF FLORIDA IN RULE 1.191(B)(3) HAS PROVIDED A TIME LIMITATION IN WHICH THE DEFENDANT IS TO BE AFFORDED A FAST AND SPEEDY TRIAL AND THIS RULE SHOULD BE ABIDED BY IN THE INSTANCE CASE.

AND MOVANT FOREVER DISMISS FROM THE CHARGE PENDING AGAINST HIM IN CASE NO. 40.580. FOR LACK OF THE STATE OF FLORIDA TO AFFORD HIM A FAST AND SPEEDY TRIAL ACCORDING TO FLORIDA'S RULE OF CRIMINAL PROCEDURE 1.191.

CONCLUSION

IN VIEW OF THE STATEMENT OF CASE AND FACTS OF LAW OBTAIN IN THIS MOTION IT IS HUMBLY PRAYED THAT ALL CHARGES PENDING AGAINST MOVANT IN CASE NO. 40.580 BE DISMISS AND MOVANT FOREVER FREE FROM SAID CHARGES.

And it is so prayed

Respectfully Submitted  
Nector M. Cornillot Jr.  
MOVANT IN PROPRIA PERSONA

Subscribed and sworn before and by me this 4 day of  
Jan. 1972

[Signature]  
NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA at LARGE  
MY COMMISSION EXPIRES JAN. 13, 1974  
BONDED THRU MAYNARD BONDING AGENCY

MY COMMISSION EXPIRES

Certificate of Service

I hereby certified that the ORIGINAL copy of this foregoing motion to dismiss is being send by U.S MAIL to the honorable J. A. MACRAKEN, CLERK OF THE CRIMINAL COURT OF RECORD County of DADE, STATE OF FLORIDA AND THAT A TRUE AND CORRECT copy is being send to the OFFICE OF THE HONORABLE RICHARD E. GERSTEN, State Attorney, County of DADE STATE OF Florida. This 4 day of Jan. 1972.

by Hector M. Cornillot Jr.  
MOVANT PROPRIA PERSONA.

Subscribed and sworn to by and before me this 4 day of Jan. 1972.

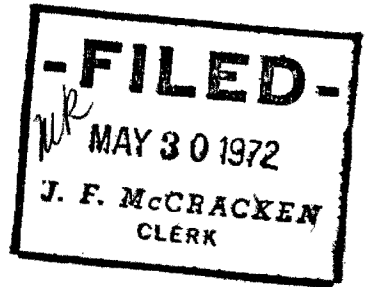
[Signature]  
NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA at LARGE  
MY COMMISSION EXPIRES JAN. 13, 1974  
BONDED THRU MAYNARD BONDING AGENCY

my Commission Expires

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

CASE NO. 70-8883



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

ASSIGNMENTS OF ERROR

COMES NOW, the Defendant, by and through his undersigned attorney, HAROLD MENDELOW, Special Assistant Public Defender for the Eleventh Judicial Circuit of Florida, in and for Dade County, Florida, and files this his Assignments of Error, intended to be relied upon in the District Court of Appeal, Third District, for the reversal of the judgment and sentence entered in the above-styled cause:

1. The trial court erred in denying Defendant's Motion for Judgment of Acquittal at the close of the State's case.
2. The trial court erred in denying Defendant's Motion for Judgment of Acquittal at the close of all the evidence.
3. The trial court erred in denying the Defendant's Motion for a New Trial.
4. The trial court erred in not granting the Defendant's Motion for Judgment of Acquittal at the closing of the State's case wherein no state witnesses ever identified the Defendant as the perpetrator of the crime.
5. The trial court erred in receiving certain hearsay evidence with regard to the ownership or corporate existence of Air Canada, a Crown corporation, a material allegation to be proved.



6. The trial court erred in denying the Defendant's Motion for Discharge in violation of his rights to a speedy trial.

7. The Defendant reserves the right to add additional assignments of error upon reviewing the trial transcript which has not been filed as yet in this cause.

Respectfully submitted,

PUBLIC DEFENDER  
11th Judicial Circuit of Florida

By: Harold Mendelow  
HAROLD MENDELOW

Special Assistant Public Defender

I HEREBY CERTIFY that a true and correct copy of the foregoing Assignments of Error was furnished to the Honorable Richard E. Gerstein, the State Attorney, 1351 N. W. 12th Street, Miami, Florida; and a copy was furnished to the Honorable Robert L. Shevin, Attorney General, 1350 N. W. 12th Avenue, Miami, Florida, on this 26th day of May, 1972.

By: Harold Mendelow  
HAROLD MENDELOW

Special Assistant Public Defender

IN THE CRIMINAL COURT OF RECORD  
IN AND FOR DADE COUNTY, FLORIDA  
CASE NO. 70-8883 (J. Baker)

STATE OF FLORIDA

\*\*

vs.

\*\*

HECTOR CORNILLOT LLANO

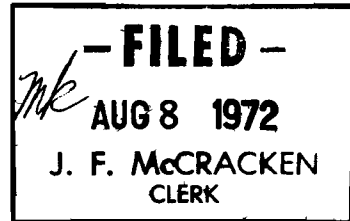
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APPEARANCE OF COUNSEL

\*\*

\*\*

\*\*

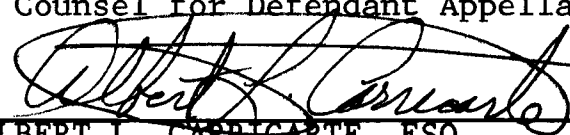


COMES NOW the law firm of SUAREZ and CARRICARTE, P.A. and respectfully files this Appearance of Counsel for the Defendant Appellant herein, HECTOR CORNILLOT LLANO.

RESPECTFULLY submitted this 7<sup>th</sup> day of August, 1972.

SUAREZ and CARRICARTE, P.A.  
Co- Counsel for Defendant Appellant

By:

  
ALBERT L. CARRICARTE, ESQ.  
955 S.W. 1st Street  
Miami, Florida  
379-1847

I hereby certify that a true copy of the foregoing was mailed to Robert L. Shevin, Attorney General, State Office Building, Miami, Florida this 7<sup>th</sup> day of August, 1972.

  
ALBERT L. CARRICARTE, ESQ.

*J. Clark*

- FILED -  
MAR 1 1973  
RICHARD P. BRINKER  
CLERK

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 70-8883

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


MOTION FOR ATTORNEY'S FEES

COMES NOW Harold Mendelow, Special Assistant Public Defender for the above named Defendant, and files this his Motion for attorney's fees for his services in this cause, and would show unto the Court the following:

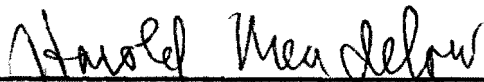
1. On May 16, 1972, the Honorable Paul H. Baker, Judge of the then Criminal Court of Record, in and for Dade County, appointed the undersigned to represent the Defendant in appellate proceedings.
2. Pursuant to this Order, the special counsel
  - a) filed Notice of Appeal on May 16, 1972;
  - b) filed Directions to the Clerk and Assignments of Error on the 26th day of May, 1972;
  - c) had conferences with the Public Defender who tried the case in the Criminal Court of Record;
  - d) filed Motions for additional time to file transcript of record on appeal;
  - e) received Order from appellate Court extending said time to file transcript of record on appeal;
  - f) researched and prepared brief in this cause;

- g) argued said cause before the District Court of Appeal, Third District;
- h) received decision of said District Court;
- i) filed Petition for Rehearing and received decision denying same on January 12, 1973.

WHEREFORE, special appointed counsel for the Defendant moves this Court for reasonable attorney's fees for the above services with regard to said appointment; attached hereto and made a part hereof are Affidavits with regard to the amount of said reasonable attorney's fees.

  
\_\_\_\_\_  
HAROLD MENDELOW, Special  
Assistant Public Defender

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed to: Robert L. Shevin, Attorney General, 1350 N. W. 12th Avenue, Miami, Florida 33136, on this 15<sup>th</sup> day of February, 1973.

  
\_\_\_\_\_  
HAROLD MENDELOW, Special  
Assistant Public Defender  
123 Northwest 12th Avenue  
Miami, Florida 33128

**- FILED -**  
MAR 1 1973  
RICHARD P. BRINKER  
CLERK

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 70-8883

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

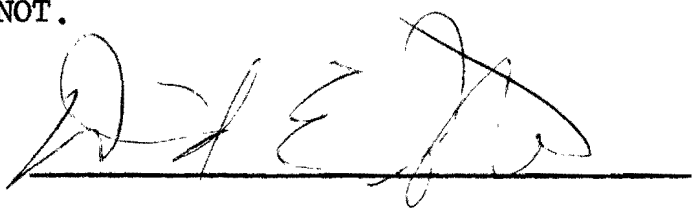
AFFIDAVIT IN SUPPORT OF  
MOTION FOR ATTORNEY'S FEES

STATE OF FLORIDA  
COUNTY OF DADE

BEFORE ME, the undersigned authority, personally appeared  
DAVID ESTONE, who, after being first duly sworn, on oath,  
deposes and states as follows:

1. I am an attorney in and for Dade County, Florida, and practice before the criminal and appellate courts.
2. I have examined the files and briefs filed in the above styled cause, and in my opinion a reasonable fee for the services rendered by the said Harold Mendelow, Special Assistant Public Defender, would be in excess of \$ 500.00.

FURTHER AFFIANT SAYETH NOT.



Sworn to and subscribed before me  
this 15<sup>th</sup> day of February, 1973.

Madelia Oliver  
NOTARY PUBLIC

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES OCT. 19, 1978  
BONDED THRU GENERAL INSURANCE UNDERWRITERS

**- FILED -**

MAR 1 1973

RICHARD P. BRINKER  
CLERK

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 70-8883

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

AFFIDAVIT IN SUPPORT OF  
MOTION FOR ATTORNEY'S FEES

STATE OF FLORIDA  
COUNTY OF DADE

BEFORE ME, the undersigned authority, personally appeared  
Reberick R. Spiegel, who, after being first duly sworn, on  
oath, deposes and states as follows:

1. I am an attorney in and for Dade County, Florida, and practice before the criminal and appellate Courts.
2. I have examined the files and briefs filed in the above styled cause, and in my opinion a reasonable fee for the services rendered by the said Harold Mendelow, Special Assistant Public Defender, would be in excess of \$ 500.

FURTHER AFFIANT SAYETH NOT.

Reberick R. Spiegel

Sworn to and subscribed before me  
this 15 day of February, 1973.

Marilyn Bliss  
NOTARY PUBLIC

My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES SEPT. 1, 1975  
GENERAL INSURANCE UNDERWRITERS, INC.

2 cc  
SAO  
H.E.

**FILED**  
MAR 1 1973  
RICHARD P. DRINKER  
CLERK

IN THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT IN  
AND FOR DADE COUNTY, FLORIDA

CRIMINAL DIVISION

CASE NO. 70-8883

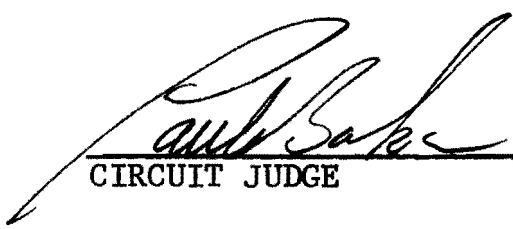
THE STATE OF FLORIDA, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 HECTOR CORNILLOT LLANO, )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )

ORDER AWARDING FEES

THIS CAUSE having come on to be heard before me upon Motion of special appointed counsel for attorney's fees, and after reviewing said Motion and considering the Affidavits attached thereto and being advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Board of County Commissioners of Dade County, Florida, pay unto HAROLD MENDELOW, as Special Assistant Public Defender, the sum of \$ 500<sup>00</sup> as attorney's fees for his services rendered the above named Defendant.

DONE AND ORDERED at Miami, Dade County, Florida, on this 28 day of February, 1973.

  
\_\_\_\_\_  
CIRCUIT JUDGE

*William P. Carter*  
CLERK  
DISTRICT COURT OF APPEAL OF FLORIDA  
THIRD DISTRICT  
1350 N. W. 12th Avenue  
Miami, Florida 33136

F  
A  
MAY 26, 19 12

to Board of County Commissioners  
1625 Dade County Courthouse  
Miami, Florida 33130

FILE NO. 72-649  
**Criminal #70-8883**

**INSOLVENT**

\_\_\_\_\_  
**HECTOR CORNELIOT LLANO**  
vs.  
**THE STATE OF FLORIDA**  
\_\_\_\_\_

FOR

CERTIFICATE .....\$ \_\_\_\_\_  
 PHOTOCOPIES .....\$ \_\_\_\_\_  
 **Filing Fee** .....\$ **25.00**  
 .....\$ \_\_\_\_\_

COPY OF OPINION .....\$ \_\_\_\_\_  
 CERTIFYING TRANSCRIPT .....\$ \_\_\_\_\_  
 POSTAGE .....\$ \_\_\_\_\_

PAID  
6-13-70  
DMZ  
DATE BY

PLEASE REMIT \$ 25.00



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

THE STATE OF FLORIDA

VS. # 70-8883

HECTOR CORNILLLOT LLANO

**ORDER FOR DISPOSITION OF  
EVIDENCE**

IT APPEARING UNTO THE COURT that the above styled and numbered cause has been disposed of in accordance with the law and it further appearing that certain evidence is now in the possession of the Clerk which should be disposed of, and the Court being otherwise fully advised in the premises, it is, upon consideration,

ORDERED AND ADJUDGED that the Clerk of this Court dispose of the following evidence as indicated, to-wit:

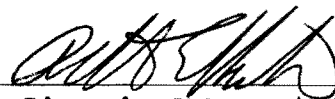
State's Exhibit #2 - Fragments of bomb

State's Exhibit #3 - Fragments of Building

Destroyed,

upon the expiration of the appeal period or, if an appeal shall be filed, upon the conclusion of such appellate proceedings.

DONE AND ORDERED at Miami, Dade County, Florida this 5th day of May A. D., 19 72.

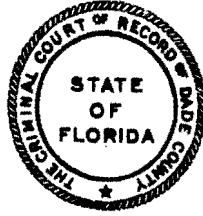


Assigned Circuit Judge, Arthur E. Huttoe

Division A \_\_\_\_\_ B \_\_\_\_\_ C \_\_\_\_\_ D \_\_\_\_\_

Filed this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 19 \_\_\_\_\_ and recorded in Criminal Court  
of Record, Minutes No \_\_\_\_\_ on Page \_\_\_\_\_  
J. F. McCracken, Clerk

By \_\_\_\_\_ Deputy



DADE COUNTY  
CRIMINAL COURT OF RECORD

J. F. MCCrackEN, CLERK

ROOM 680

METROPOLITAN DADE COUNTY JUSTICE BUILDING

May 8, 1972

1351 N. W. 12<sup>TH</sup> STREET

MIAMI, FLORIDA 33125

TELEPHONE 377-7141

ROBERT E. MORGAN  
CHIEF DEPUTY CLERK

Honorable William P. Carter, Clerk  
District Court of Appeal, Third District  
1350 N. W. 12th Avenue  
Miami, Florida 33136

Re: The State of Florida  
vs. #70-8883  
Hector Cornillot Llano

Division "B" - Judge Paul Baker

Dear Sir:

Enclosed find certified copy of the Notice of Appeal filed May 5, 1972, in the above reference cause, together with excerpt from the minutes showing adjudication of insolvency.


The defendant is charged with Unlawful Throwing, Placing or Discharging a Bomb. On January 6, 1972 Motion to Dismiss was filed and said Motion was Denied on May 3, 1972. The defendant is taking his appeal from this denial.

Since our records indicated that the Public Defender was representing the defendant, we checked with his office to see if an appeal would be forthcoming, from the order denying motion to dismiss, and were advised that they would not be filing one. We, therefore, felt it advisable to file defendant's appeal in proper person.

Very truly yours,

J. F. McCrackEN, Clerk

By:

  
Deputy Clerk

Encl: (2)  
cc: Defendant  
c/o Dade County Jail  
1321 N. W. 13th Street  
Miami, Florida

May 8, 1972

Honorable Robert L. Shevin  
Attorney General of Florida  
1350 N. W. 12th Avenue  
Miami, Florida 33136

Re: The State of Florida  
vs. #70-8883  
Hector Cornillot Llano

Division "B" - Judge Paul Baker

Dear Sir:

Enclosed find certified copy of Notice of Appeal filed May 5, 1972, in the above referenced cause, a similar copy having been forwarded to the Honorable William P. Carter, Clerk, District Court of Appeal, Third District of Florida.

The defendant is charged with Unlawful Throwing, Placing or Discharging a Bomb and is taking his appeal from the order denying his motion to dismiss entered on May 3, 1972.

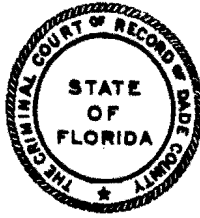
The defendant is currently incarcerated in the custody of the Dade County Jail, 1321 N. W. 13th Street, Miami, Florida.

Very truly yours,

J. F. McCRACKEN, Clerk

By:   
Deputy Clerk

Encl: (1)



DADE COUNTY  
CRIMINAL COURT OF RECORD

J. F. McCracken, Clerk

ROOM 680

METROPOLITAN DADE COUNTY JUSTICE BUILDING

May 23, 1972

1351 N. W. 12th STREET

MIAMI, FLORIDA 33125

TELEPHONE 377-7141

ROBERT E. MORGAN  
CHIEF DEPUTY CLERK

Honorable William P. Carter, Clerk  
District Court of Appeal, Third District  
1350 N. W. 12th Avenue  
Miami, Florida 33136

Re: The State of Florida  
vs. #70-8883  
Hector Cornillot Llano

Division "B" - Judge Paul Baker  
(by Hon. Arthur E. Huttoe, Assigned  
Circuit Court Judge)

Dear Sir:

Enclosed find certified copy of the Notice of Appeal filed May 22, 1972  
in the above reference cause together with excerpt from the minutes  
showing adjudication of insolvency.

Convicted of unlawful throwing, placing or discharging a bomb.

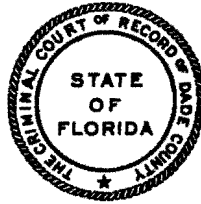
The defendant is currently incarcerated in the custody of the Division of  
Corrections.

Very truly yours,

J. F. McCracken, Clerk

By: MARY KRISSEL  
Deputy Clerk

Encl: (2)



DADE COUNTY  
CRIMINAL COURT OF RECORD

J. F. McCRACKEN, CLERK  
ROOM 680

1351 N. W. 12TH STREET  
MIAMI, FLORIDA 33125  
TELEPHONE 377-7141

ROBERT E. MORGAN  
CHIEF DEPUTY CLERK

METROPOLITAN DADE COUNTY JUSTICE BUILDING  
May 23, 1972

Honorable Robert L. Shevin  
Attorney General of Florida  
1350 N. W. 12th Avenue  
Miami, Florida 33136

Re: The State of Florida  
vs. #70-8883  
Hector Cornillot Llano

Division "B" - Judge Paul Baker  
(by Hon. Arthur E. Huttoe, Assigned  
Circuit Court Judge)

Dear Sir:

Enclosed find certified copy of Notice of Appeal filed May 22, 1972 in the above referenced cause a similar copy having been forwarded to the Honorable William P. Carter, Clerk, District Court of Appeal, Third District of Florida.

The aforementioned Defendant was convicted and sentenced on the following charges by Judge Arthur E. Huttoe:

<u>Date of Conviction</u>	<u>Charges</u>	<u>Sentence</u>
May 5, 1972 (by verdict of a jury)	Unlawful Throwing, Placing or Discharging a Bomb	30 years State Penitentiary

The defendant is currently incarcerated in the custody of the Division of Corrections.

Very truly yours,  
J. F. McCRACKEN, Clerk

By: MARY KRISSE  
Deputy Clerk

70-8883

-- FILED --  
mk JUN 22 1972  
J. F. McCracken  
CLERK

IN THE DISTRICT COURT OF APPEAL

OF FLORIDA

THIRD DISTRICT

JANUARY TERM, A.D. 1972

WEDNESDAY, JUNE 21, 1972

HECTOR CORNILLOT LLANO,

\*\*

Appellant,

\*\*

vs.

\*\*

CASE NO. 72-649

THE STATE OF FLORIDA,

\*\*

Crim. No. 70-8883

Appellee.


\*\*

\*\*

Appellant's motion for additional time to file the transcript of record on appeal is granted and such time is extended up to and including July 28, 1972.

A True Copy

ATTEST:

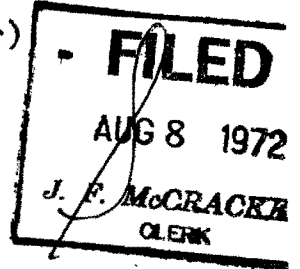
  
Clerk District Court of  
Appeal, Third District

cc: Harold Mendelow  
Robert L. Shevin  
J. F. McCracken

/h

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

CASE NO. 70-8803 (J. Baker)



STATE OF FLORIDA

\*\*

vs.

\*\*

HECTOR CORNILLOT LLANO

\*\*

APPEARANCE OF COUNSEL

\*\*


\*\*

\*\*

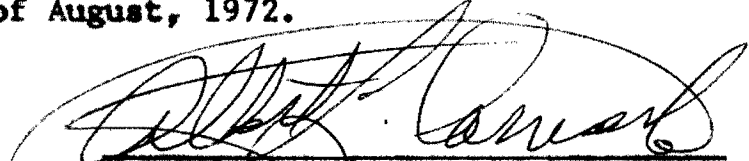
COMES NOW the law firm of SUAREZ and CARRICARTE, P.A. and respectfully files this Appearance of Counsel for the Defendant Appellant herein, HECTOR CORNILLOT LLANO.

RESPECTFULLY submitted this 7<sup>th</sup> day of August, 1972.

SUAREZ and CARRICARTE, P.A.  
Co- Counsel for Defendant Appellant

By:   
ALBERT L. CARRICARTE, ESQ.  
955 S.W. 1st Street  
Miami, Florida  
379-1847

I hereby certify that a true copy of the foregoing was mailed to Robert L. Shevin, Attorney General, State Office Building, Miami, Florida this 7<sup>th</sup> day of August, 1972.

  
ALBERT L. CARRICARTE, ESQ.