

# MANDATE

DISTRICT COURT OF APPEAL OF FLORIDA  
THIRD DISTRICT

To the Honorable, the Judges of the CIRCUIT COURT IN AND FOR DADE COUNTY, FLORIDA

FILED FOR OFFICE  
78 APR 24 AM 8 13  
RICHARD BRINER  
CLERK, CIRCUIT & COUNTY CTS.  
DADE COUNTY, FLA.  
03

WHEREAS, in that certain cause filed in this Court styled: \_\_\_\_\_

HECTOR CORILLOT LLANO, Appellant vs. THE STATE OF FLORIDA, Appellee.

Case No. 77-1415

Your Case No. 70-8883

The attached opinion was rendered on FEBRUARY 28, 1978,

YOU ARE HEREBY COMMANDED that further proceedings be had in accordance with said opinion, the rules adopted by the Supreme Court of Florida and the laws of the State of Florida.

WITNESS, The Honorable ROBERT M. HAVERFIELD

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

21st day of APRIL, 19 78

  
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  
JANUARY TERM, A.D. 1978

HECTOR CORNILLLOT LLANO,	**	
Appellant,	**	
vs.	**	CASE NO. 77-1415
THE STATE OF FLORIDA,	**	
Appellee.	**	
	**	

Opinion filed February 28, 1978.

An Appeal from the Circuit Court for Dade County,  
Alan R. Schwartz, Judge.

Nicholas J. Capuano, for appellant.

Robert L. Shevin, Attorney General and Linda Collins Hertz,  
Assistant Attorney General, for appellee.

Before HAVERFIELD, C.J., and HENDRY and NATHAN, JJ.

PER CURIAM.

Appellant was charged in an information with unlawfully throwing, placing or discharging a bomb with intent to do damage to the property of Air Canada, in violation of Florida Statute 790.161.

Appellant was tried in the Circuit Court of Dade County, Florida without a jury. The trial judge found him guilty of the offense charged and sentenced him to ten years in the state penitentiary.

By this appeal appellant seeks reversal of his conviction and sentence on the ground that the evidence was insufficient to support the trial judge's finding that appellant was guilty of the unlawful throwing, placing or discharging a bomb, since the evidence adduced

and that upon which the court based the conviction tended to show that appellant was not the perpetrator but was only involved in a conspiracy in aiding and abetting the crime.

We have carefully considered the point on appeal in the light of the controlling principles of law, transcript of the testimony and evidence offered during trial, briefs and arguments of counsel, and have concluded that reversible error has not been made to appear. *State v. Dent*, 322 So.2d 543 (Fla. 1975); *Damon v. State*, 289 So.2d 720 (Fla. 1973); *Hernandez v. State*, 323 So.2d 318 (Fla. 3d DCA 1975); *Heineman v. State*, 327 So.2d 898 (Fla. 3d DCA 1976); and *Hampton v. State*, 336 So.2d 378 (Fla. 1st DCA 1976).

Affirmed.

MEMORANDUM

107 17-17A

TO APPELLATE DIVISION  
State Attorney's Office

DATE April April 24, 1978

FROM RICHARD P. BRINKER, Clerk  
Circuit Court - Criminal Division

SUBJECT The State of Florida  
vs. #70-8883  
HECTOR CORNILLOT LLANO  
Section #04  
Judge Alan R. Schwartz

*Thelma Rodriguez*

Conviction for: Unlawful Throwing, Placing or Discharging a Bomb

Sentence: May 31, 1977 - 10 yrs. State Pen. (Nunc Pro Tunc May 5, 1972)

Attorney for Defendant: Nicholas J. Capuano

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 Department of Offender  
Rehabilitation.

cc: Judge Schwartz  
Records Section, SAO  
Central Records, SO  
Supervisor of Registration  
Dept. of Offender Rehab.  
Nicholas J. Capuano

X

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

CASE NO. 70-8883 (SCHWARTZ)

THE STATE OF FLORIDA, :

vs. :

ORDER GRANTING ATTORNEY'S FEES  
AND DISCHARGE

HECTOR CORNILLOT LLANO, :

2cc SAO 84.00

Defendant. :

\_\_\_\_\_ :

FILED FOR P...  
OCT 18 AM 11:11  
CLERK OF THE COURT  
DADE COUNTY FLA  
03

The court has read and considered the Verified Motion of court-appointed counsel, NICHOLAS J. CAPUANO, for the defendant, HECTOR CORNILLOT LLANO, to award him a reasonable fee and for discharge and the affidavit in support thereof and being otherwise duly advised in the premises, it is upon consideration thereof,

ORDERED AND ADJUDGED as follows:

1. That the Motion to award attorney's fees be and the same is hereby granted and the Dade County Finance Director be and he is hereby directed to pay forthwith to NICHOLAS J. CAPUANO, for the professional services rendered to the defendant, HECTOR CORNILLOT LLANO, the sum of \$7,000.00 dollars, said check to be mailed to his office at 19 West Flagler Street, Suite 701, Miami, Florida.

AKS

2. That upon the entry of this Order, the mentioned court-appointed attorney, be and he is discharged from further attendance upon this Court in this matter.

DONE AND ORDERED in Chambers, at Miami, Dade County, Florida, this 13 day of October, 1978.

Ala. R. Schwartz  
CIRCUIT JUDGE

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

CASE NO. 70-8883

Judge Schwartz

*See p. 17*  
*10/18/78*  
OFFICE OF THE  
CLERK OF THE  
DADE COUNTY  
03  
78 OCT 18 AM 11:55  
*[Signature]*

FILED FOR FILE

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

CERTIFICATION OF CONFLICT OF  
INTEREST BETWEEN DEFENDANTS

COMES NOW, BENNETT H. BRUMMER, Public Defender for the Eleventh  
Judicial Circuit of Florida, in and for Dade County, and certifies  
to this Honorable Court, pursuant to Florida Statute §27.53(2),  
that the interests of the Defendants in this case are so adverse  
and hostile that they cannot all be counseled by the Public De-  
fender or his staff without conflict of interest.

BENNETT H. BRUMMER  
Public Defender  
Eleventh Judicial Circuit  
of Florida  
1351 N.W. 12th Street  
Miami, Florida 33125

*Leonard Rosenberg*  
LEONARD ROSENBERG  
Assistant Public Defender *1/55*

I HEREBY CERTIFY that a true and correct copy of the foregoing  
was delivered to the Office of the State Attorney, 1351 N.W. 12th  
Street, Miami, Florida this 18th day of October, 19 78.

*Leonard Rosenberg*  
LEONARD ROSENBERG  
Assistant Public Defender *1/55*

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

THE STATE OF FLORIDA,

CASE NO. 70-8883 (SCHWARTZ)

~~XXXXXXXXXXXX~~

vs.

HECTOR CORNILLLOT LLANO,

Defendant ~~xxx~~.

NOTICE OF HEARING

78 SEP 27 PM 2 46  
RECORDED & INDEXED  
CLERK OF THE CIRCUIT COURT  
DADE COUNTY, FLORIDA  
03

FILED FOR RECORD

TO:

Hon. JANET RENO,  
STATE ATTORNEY  
1351 N. W. 12th Street  
Miami, Florida 33125

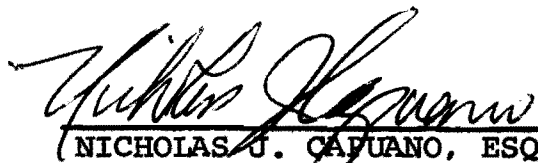
STUART M. SIMON,  
County Attorney  
Dade County Courthouse  
73 West Flagler Street  
Miami, Florida 33130

YOU ARE HEREBY NOTIFIED that the undersigned will


call up for hearing, VERIFIED MOTION FOR DISCHARGE AND FEES  
(attached hereto)  
before the Honorable Alan R. Schwartz, one of the Judges

of the above-styled Court, in Chambers, at the Metro  
Justice Building, 1351 N. W. 12th Street, Miami, Florida  
~~XXXXXXXXXXXX~~ on Friday, the 13th day of October,  
19 78, at 9:00 o'clock A.M., or as soon thereafter as  
the same may be heard.

PLEASE GOVERN YOURSELF ACCORDINGLY.

  
NICHOLAS J. CAPUANO, ESQUIRE  
Attorney for Defendant  
19 West Flagler Street - #701  
Miami, Florida 33130  
373-2652

The undersigned hereby certifies that a true copy of  
the above and foregoing Notice of Hearing was mailed ~~XXXXXXXX~~  
~~XXXXXXXX~~ to the above addressee(s), this 27 day of September,  
19 78.

  
Attorney for Defendant  
NICHOLAS J. CAPUANO

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

CASE NO. 70-8883 (SCHWARTZ)

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

VERIFIED MOTION FOR  
 DISCHARGE AND FEES

78 SEP 27 PM 2 46  
 COURT REPORTER  
 & VIDEO CTG.  
 DADE COUNTY FLA.  
 03

FILED FOR RECORD

COMES NOW the undersigned court-appointed attorney for the defendant, HECTOR CORNILLOT LLANO, and moves the Court for the entry of an appropriate Order in and by which he may be awarded a reasonable fee for the professional services he has rendered to the mentioned defendant, and be discharged as attorney for such defendant, and in support thereof says:

1. That on the 28th day of February, 1977 he was appointed as Special Assistant Public Defender to represent the the defendant on the charge of unlawfully throwing, placing or discharging a bomb in violation of F.S. 790.161.

2. That he has performed all the necessary duties and services required of him in accordance with and pursuant to such appointment as follows:

3/1/77	In Court to accept appointment and review files	2 hours
3/2	Obtained xerox copies from original Court file; put together my office file	1
3/3	Reviewed transcript of trial	1 - 1/2
3/5	Read remainder of trial testimony and 9 depositions	4 - 1/2
3/6	Reviewed all pleadings filed prior to my appointment (1970 - 1977)	2
3/7	Briefed pleadings	3
3/8	Prepared for Report - 3/9/77	5

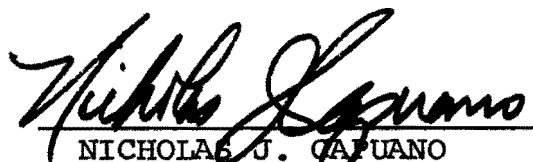


3/9	Attended hearing on Report	1 hour
3/10	Conferred with Hank Adorno, State Attorney and Sgt. Youngbird, re: Polygraph	1
3/14	Attended hearing on Report	1
3/15	Prepared and issued Witness Subpoena for 3/30; telephone conversation with Dave Horvath, West Palm Beach; telephone conversation with F.B.I. Agent Dawson	2
3/22	Telephone calls to Adorno and Slattery	1
3/23	Prepared and issued Subpoena for Slattery; interview with Hector at jail	2
3/25	Emergency hearing on Morgan's Motion to Suppress Subpoena	1
3/26	Prepared for trial scheduled for 3/30	6
3/27	Continued preparation for trial	4
3/28	Continued preparation for trial	5 - 1/2
3/29	Interview at Dade County Jail with Hector	1
3/30	Trial	6
4/1	Prepared and submitted Order	1/2
4/14	In Court - re: Report	1
5/26	In Court - re: Report	1
5/30	Prepared for Trial	8
5/31	Trial	6
6/1	Motion For New Trial and research	12
6/10	Hearing on Motion For New Trial	1 - 1/2
6/13	Prepared Notice Of Appeal, Directions to Clerk, Assignment Of Errors and Directions to Reporters	2 - 1/2
8/26	Read entire 5/31/77 transcript consisting of 168 pages	2
8/27 and 9/8	Research for brief	10
9/8	Brief	2 - 1/2
9/9	Brief	1

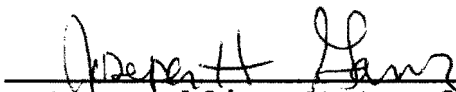
9/10	Brief	2 - 1/2 hours
9/12	Brief	4
9/13	Brief	3 - 1/2
9/19	Brief	1 - 1/2
9/28	Application for oral argument	1/2
9/28	Personally served appellants brief on State, Attorney General and 3rd District	2
10/3	Prepared and filed Motion To Correct Wording Of Sentence; Notice Of Hearing and letter to Hector	1 - 1/2
10/6	In Court on above Motion	1
10/13	Prepared and filed Renewed Motion To Correct Wording Of Sentence; Notice Of Hearing	1
10/19	Telephone call to Raiford to Mr. Mordente, Chief Classification Officer and Lou Carmichael, Records	1
11/1	Telephone call to Raiford to Mr. Mordente, Chief Classification Officer and Lou Carmichael, Records	1/2
11/11	Letter to Hector	1/2
11/15	Telephone call to Raiford to Mr. Mordente, Chief Classification Officer and Lou Carmichael, Records	1/2
1/9/78	Telephone call to Raiford to Mr. Mordente, and Richard Corbin	1
1/31	Prepared for oral argument	1
2/1	Prepared for oral argument	1
2/2	Prepared for oral argument	1
2/3	Oral argument - 3rd District Court Of Appeal	1 - 1/2
2/7	Telephone call to Joan Cornillot, ex-wife of Hector	1/2
3/2	Reviewed Florida Appellate Procedure Rules effective 3/1/78 and prepared Motion For Re-Hearing	3 - 1/2

3/10/78	Worked on Jurisdictional Brief; reviewed new Appellate Rules; research of cases on Jurisdictional Brief	3 hours
3/20	Jurisdictional Brief	2 - 1/2
5/1	Prepared and filed Notice Invoking Certiorari Jurisdiction	1
5/8	Completed and filed original and 5 copies of Jurisdictional Brief in Supreme Court	8
9/27	Prepared and filed Motion; Hearing; 2 Affidavits and Order re: Fees	2 - 1/2
TOTAL . . . . .		145 hours

WHEREFORE having performed all the duties and services required of him pursuant and in obedience to such appointment respectfully prays that an Order be entered awarding him reasonable compensation and discharging him from further duties in this matter.

  
 \_\_\_\_\_  
 NICHOLAS J. CAPUANO  
 Attorney for Defendant - LLANO  
 19 West Flagler Street - #701  
 Miami, Florida 33130  
 373-2652

Sworn to and subscribed  
before me this 29th day  
of September, 1978.

  
 \_\_\_\_\_  
 Notary Public, State of Florida

Notary Public, State of Florida at Large  
 My Commission Expires Nov. 27, 1978  
 Bonded by American Fire & Casualty Co.

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

CASE NO. 70-8883 (SCHWARTZ)

THE STATE OF FLORIDA, :  
vs. :  
HECTOR CORNILLLOT LLANO, :  
Defendant. :  
\_\_\_\_\_ :

AFFIDAVIT IN SUPPORT  
OF ATTORNEY FEES

78 SEP 27 PM 2 46  
FILED FOR RECORD  
D. HANSEN, CLERK  
DADE COUNTY, FLA.  
03

FILED FOR RECORD

STATE OF FLORIDA )  
 ) ss  
COUNTY OF DADE )

HAROLD HELLER

who, after being duly sworn, deposes and says:

1. That he is a member of the Bar of the State of Florida, and does maintain his office in the City of Miami, Dade County, Florida, at 19 West Fletcher St, 822 Biscayne Blvd.

2. That he has so practiced law in the County of Dade, State of Florida, for 23 years and that as a result of his practice, he is familiar with fees which attorneys are entitled to charge and receive in accordance with the services rendered in criminal cases, and that he has examined the file of NICHOLAS J. CAPUANO, court-appointed attorney for defendant, HECTOR CORNILLLOT LLANO, and he is familiar therewith. That in accordance with his experience, his knowledge of the matters contained in the defense of criminal cases, and his knowledge of fees usually charged in matters of a like nature, that a reasonable fee to be awarded to NICHOLAS J. CAPUANO, court-appointed attorney for the defendant in this case would be Fifteen Thousand (\$15,000.00) dollars.

James J. Kelly  
AFFIANT

Sworn to and subscribed  
before me this 27th day  
of September, 1978.

Notary Public, State of Florida at Large  
My Commission Expires Nov. 27, 1978  
Bonded by American Fire & Casualty Co.

Joseph H. Lamy  
Notary Public, State of Florida

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

CASE NO. 70-8883 (SCHWARTZ)

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

AFFIDAVIT IN SUPPORT  
OF ATTORNEY FEES

STATE OF FLORIDA  
COUNTY OF DADE

FILED FOR RECORD  
78 SEP 27 PM 2 46  
ROSA M. ...  
CLERK, CIRCUIT COURT  
DADE COUNTY, FLA.  
03

ANGELO A. ALI

who, after being duly sworn, deposes and says:

1. That he is a member of the Bar of the State of Florida, and does maintain his office in the City of Miami, Dade County, Florida, at 28 W. FLAGLER ST, MIAMI, FLA

2. That he has so practiced law in the County of Dade, State of Florida, for 27 years and that as a result of his practice, he is familiar with fees which attorneys are entitled to charge and receive in accordance with the services rendered in criminal cases, and that he has examined the file of NICHOLAS J. CAPUANO, court-appointed attorney for defendant, HECTOR CORNILLOT LLANO, and he is familiar therewith. That in accordance with his experience, his knowledge of the matters contained in the defense of criminal cases, and his knowledge of fees usually charged in matters of a like nature, that a reasonable fee to be awarded to NICHOLAS J. CAPUANO, court-appointed attorney for the defendant in this case would be TWENTY THOUSAND (\$20,000) dollars.

Angelo A. Ali  
AFFIANT

Sworn to and subscribed  
before me this 27 day  
of September, 1978.

S. Lisa Morrow  
Notary Public, State of Florida

NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES DEC. 29 1980  
BONDED THRU GENERAL INS. UNDERWRITERS