

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

CRIMINAL DIVISION

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

CASE NO. 70-88

RICHARD J. PERINER  
CLERK, CIRCUIT & COUNTY CLERKS  
DADE COUNTY, FLA.  
03

'77 MAR - 9 AM 9 13

FILED FOR RECORD

The above-entitled case came on for a Motion to Vacate Judgment and Sentence, before The Honorable ELLEN J. MORPHONIOS, Judge of the above-styled Court, at the Metropolitan Justice Building, 1351 Northwest 12th Street, Miami, Florida, on Wednesday, February 23rd, 1977, commencing at 9:20 o'clock A.M., pursuant to notice.

APPEARANCES:

No appearance on behalf of the State of Florida.

JOSEPH ATTERBURY, Legal Intern and ROBERT GROSS, Assistant Public Defender, on behalf of the Defendant.

\* \* \*



X

THE COURT: Hector Llano.

Mr. Llano is with us.

MR. ATTERBURY: Can this be set for Thursday, because Steve Mechanic is bringing the witness.

MR. GROSS: No Steven Mechanic is a witness in the matter, and he won't be here until Thursday.

THE CLERK: I talked to Steve yesterday and he doesn't think this belongs before you. Judge Huttoe heard the trial, and you need to appoint private counsel. There is a conflict between the Public Defender's Office and Mr. Llano.

THE COURT: Bob?

Both Bobs. Well, only one Bob this morning.

MR. GROSS: Yes.

THE COURT: Were you listening to Shirley?

MR. GROSS: Evidently this is in the wrong Court.

THE COURT: Also, she says there is a conflict between the Public Defender and him.

THE CLERK: He can be here tomorrow morning because he's in the building. If you want



to set it for tomorrow, then he can explain it to you more thoroughly.

THE COURT: Well, who is Huttoe at this point?

THE CLERK: Schwartz.

THE COURT: Schwartz is Huttoe?

What do the records show by way of trial and all that sort of thing?

Mechanic wasn't in Huttoe's Court, was he?

THE CLERK: No. What happened, it was transferred to Judge Huttoe for trial, and they were not ready and Judge Huttoe made them go to trial, anyway.

THE COURT: It was a Baker case?

THE CLERK: Yes, Your Honor.

THE COURT: Well, it sounds like I got it.

THE CLERK: It was a Baker case, but Judge Huttoe heard the trial. That's why Steve doesn't think you should hear it.

THE COURT: Well, Huttoe is no longer on the Bench so Steve doesn't want me to hear it.

MR. GROSS: Your Honor, I am not aware at this time of a conflict. But, of course ---



THE COURT: Let me do this, it's the only thing I can think of. It seems there are an awful lot of questions. I am not going to set it for the formal hearing tomorrow, because I don't think -- I don't know what is going on.

Let me set it -- keep Mr. Llano here, George. Keep Mr. Llano here.

I will set it for report tomorrow morning and then if necessary, we will hold the formal hearing on Friday morning, if I properly have the case. If I don't properly have the case ---

MR. GROSS: Fine.

THE COURT: --- I will bid you farewell.

MR. GROSS: Thank you.

THE COURT: Tomorrow morning for report only. Not formal hearing.

[Thereupon, this hearing was concluded.]

\* \* \*



CERTIFICATE OF REPORTER

STATE OF FLORIDA :  
                              : SS.  
COUNTY OF DADE   :

I, KATHERINE POPE WYATT, do hereby certify that the cause of STATE OF FLORIDA, Plaintiff, versus HECTOR C. LLANO, Defendant, case number 70-8883, pending in THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, IN AND FOR DADE COUNTY, FLORIDA, came on for hearing before The Honorable ELLEN J. MORPHONIOS, as Judge, on Wednesday, February 23rd, 1976; that I was authorized to and did report in shorthand the proceedings and evidence in said hearing; and that the foregoing pages, numbered from 1 to 4, inclusive, constitute a true and correct transcription of my shorthand report of the proceedings in said cause.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 4th day of March, 1977.

  
KATHERINE POPE WYATT,  
Registered Professional Reporter.

