

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. 70-8883

COURT REPORTERS
 JAMES R. MORPHONIOS
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 17 MAR -9 AM '77
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The above-entitled case came on for report re: status, before The Honorable ELLEN J. MORPHONIOS, Judge of the above-styled Court, at the Metropolitan Justice Building, 1351 Northwest 12th Street, Miami, Florida, on Friday, February 25th, 1977, commencing at 9:05 o'clock A.M., pursuant to notice.

APPEARANCES:

RICHARD EADE,
 Assistant State Attorney,
 on behalf of the State of Florida.

ROBERT LINK,
 Assistant Public Defender,
 on behalf of the Defendant.

* * *



THE COURT: Hector Llano.

All right, the jail, I gather, has not brought him over?

THE SHERIFF: No, we didn't.

THE COURT: All right.

Bob, yesterday we were trying to figure out why I recused myself in 1972.

Peggy went to the warehouse, got the notes, found Nat Corbin, and got a transcript of it.

I will read it into the record because I have the only transcript.

On January 10th, 1972, it was up for trial. Tom Morgan, representing Llano, made a request for continuance which there was much discussion about, but which I denied.

He thereupon said: "I make a second motion and that is we'd ask the Court to recuse itself. This Court took the information from the F.B.I. Agent, one of them, three years ago, before the filing of the Information, which is in the deposition.

"MR. SHENBERG: It's my understanding they came in to consult Your Honor, at that time, an Assistant State Attorney, concerning this case. It was filed by Robert Brown. And they also consulted with Barbara Schwartz. But, they did talk to you



about the case. I talked to Agent Perez, over at the F.B.I., and he confirmed he talked to you. He talked to you back in 1968.

"MR. MORGAN: He stands to get a sentence of 20 years to life, the Statute for which he has been filed on. So, it's a very serious case, no doubt.

"THE COURT: I don't remember anything about it. In all honesty, I remember absolutely nothing. But, Defense is requesting I recuse myself. I think under that Rule that pretty well states it.

Transfer to Judge Baker."

Now, are you still requesting a recusal, Mr. Link?

I can tell you ahead of time, if you are, it goes to Schwartz, so you got your druthers, because Schwartz is now Huttoe.

MR. LINK: We would have to. I think we would have to request it.

THE COURT: Well, in all honesty, on the record, I think it's one of those things that if you don't, he will be back. In the event it went adverse to him, he would be back a year from now with a ruling against you for not asking for it.

So, I think you are right.



All right, on the Defense motion for recusal, again recuse myself on Hector Llano. Transfer it to Judge Schwartz.

Now, I suggest that since we only have a few things on that you take the file and walk it down to Schwartz and have them write it in this morning. And I would like to, for the jail's sake -- they are very anxious to have this hearing held and for Mr. Llano to be wherever he is going to be, other than the Dade County Jail.

So, I'd sort of like for Judge Schwartz to keep the March 1st hearing date.

All right. I still don't remember. I talked to Shenberg. He doesn't remember.

MR. EADE: We located the Prosecutor.

THE COURT: You found out who Kaplan [phonetic] was? No kidding?

MR. EADE: He's willing to come down.

THE COURT: I bet he is. It's cold in New Jersey.

All right, so much for the Llano case.

[Thereupon, this hearing was concluded.]



