

Exhibit (C)

1 Hector M. Cornillot, Jr.
2 P.O. Box B-26405
3 Tamal, California
4 94964
5 In Propria Persona

6
7 IN THE SUPREME COURT OF
8 THE STATE OF FLORIDA
9

10	-----)	
11	HECTOR M. CORNILLOT, Jr.)	
12	Defendant/Petitioner,)	<u>Case No. 40,580</u>
13	Vs.)	<u>Detainer Matter</u>
14	THE PEOPLE OF THE STATE OF FLORIDA;)	<u>No. 70-8883 From</u>
15	Paul Rosenthal, Sergeant, Criminal)	<u>Metropolitan Dade</u>
16	Warrant Section, Metropolitan Dade)	<u>County Public Safety</u>
17	County Public Safety Department;)	<u>Department.</u>
18	Louis S. Nelson, Warden, San Quentin)	
19	State Prison, Tamal, California; et al.,)	
20	Plaintiff/Respondents.)	
21	-----)	

20 MOTION AND NOTICE OF MOTION TO DISMISS

21 To: The Honorable Marshall C. Wiseheart, Presiding Judge, and
22 to all the Associate Justices of this Honorable Court and
23 to the Prosecuting Attorney in the Above Captioned Matter;

24
25 PLEASE TAKE NOTICE, that the defendant/petitioner Hector
26 M. Cornillot, Jr., appearing in propria persona and in forma
27 pauperis, herewith makes a Motion and Application for the State
28 of Florida, its prosecutors and its Courts, to institute procedure
29 to dismiss charges against your petitioner on Case No. 40,580.
30 Petition for Writ of Mandamus, for want of prosecution and in
31 the best interest of justice.

32 Said Procedure Includes:

X

1 UNITED STATES OF AMERICA)
2 STATE OF CALIFORNIA) SS: AFFIDAVIT OF FACTS
3 COUNTY OF MARIN)
4 -----)

5 Hector M. Cornillot, Jr., defendant/petitioner in the
6 attached Motion and Notice of "Motion to Dismiss", being first
7 duly sworn, and without fearing the penalty of perjury, deposes
8 and says:

9 I

10 That, previous to the present application, defendant/
11 petitioner herein addressed this Honorable Court on Dec. 11,
12 1970 in the manner of a legal notarized document entitled "Motion
13 for a Quick, Fair, and Public Speedy Trial, Petition for Issuance
14 of a Writ of Mandamus," and at that time made a request for
15 return to the State of Florida, Dade County, for trial within
16 the meaning of the Constitutional Mandate, or in the alternative
17 to have the charges against him dismissed.

18 II

19 Said application was summarily denied by this Honorable
20 Court, disavowing its previous own decisions on similar cases,
21 on Feb. 18, 1971, Order No. 40,580; said Order being rendered
22 without written opinion or indicia of how the Constitutional
23 Issue involved was answered - - whether the denial was based on
24 a procedural error from the defendant, inadequate jurisdiction
25 of the Court, or if simply it was a deliberate disavowal of the
26 Constitutional Guarantee to Speedy Trial.

27 III

28 Defendant/petitioner is scheduled to appear in front of
29 a Board of the California Adult Authority for a Parole Hearing
30 on August 1971. If by then defendant/petitioner's legal status
31 it has not been clarified by the authorities of the State of
32 Florida in regards to detainer No. 70-8883, this defendant/

1 petitioner would be exposed to suffer increased penalties by the
2 California's Adult Authority and California's Dept. of Correction
3 because of the purposeful, oppressive, harmful and deliberate
4 actions and failures of the State of Florida, its officials and
5 its courts, to observe the Constitutional Mandate and established
6 precepts of law.

7 1) The California's Adult Authority (the term setting
8 Board in California with the power to imprison defendant/
9 petitioner for up to five years) will dictate in their hearing
10 next August (as it is their customary usage) that this unresolved
11 "Detainer" from the State of Florida precludes this defendant/
12 petitioner from a variety of rehabilitative/programs available within the
13 California Dept. of Corrections: (a) certain vocations requiring
14 lower custody classification, (b) a transfer to road or forestry
15 camp, (c) the statistically established lower terms accruing to
16 reductions in custody and the programs thereafter available.

17 2) That the unconstitutional and inexplicable long
18 delay in bringing defendant/petitioner to trial have already
19 irremediably prejudiced any trial's fairness in that defendant/
20 petitioner's witnesses for his defense, whose witnesses could
21 offer a true and crucial testimony in regard to the whereabouts
22 of defendant/petitioner on the time the offense charged happened,
23 one witness is now deceased, another is incarcerated in Cuba
24 after having been caught landing there under directives of the
25 Central Intelligence Agency (the governmental agency that also
26 trained me) for political subversive activities, and rest of
27 witnesses, defendant/petitioner is unable to trace them down
28 because of the actual circumstances of his incarceration; not
29 to mention that the presence of said witnesses is completely
30 necessary for a full and thorough defense; not to mention that
31 each day, each month, each year, makes it more difficult for
32 defendant/petitioner to find witnesses and evidence to establish

1 his innocence on the outstanding offense charged.

2 IV

3 Defendant/petitioner verily believes that this Honorable
4 Court has authority to issue an Order to the prosecutor at large
5 and to the Attorney General of the State of Florida to institute
6 whatever proceedings are necessary to insure that the charges
7 pending against him be dismissed, or for them to Show Cause,
8 if any they have as to why not such Order should not issue since
9 such a procedure from this Honorable Court is guaranteed to
10 defendant/petitioner by the Fourteenth Amendment of the
11 Constitution of the United States of America under its Equal
12 Protection and Due Process of the laws clauses.

13 No effort whatsoever have been demonstrated by the prosecution
14 to afford defendant/petitioner a speedy trial; therefore right
15 to prosecute have been implicitly relinquished and forfeited
16 by the prosecution.

17 V

18 That in the alternative, this Honorable Court should write
19 an Opinion or show other indicia of why the present application
20 for dismissal of the charges contained in Warrant No. 70-8883
21 should not be granted. The instant application is being submitted
22 in good faith, and defendant/petitioner verily believes that it
23 has substantive merits and if this "Motion to Dismiss" were
24 denied that he, consequently, is being denied substantial rights
25 guaranteed him under the Constitution of the United States of
26 America.

27
28 I, Hector M. Cornillot, Jr., defendant/petitioner, after
29 having prepared and read the foregoing Affidavit, do hereby
30 certify and swear under penalty of perjury that I find the
31 contents thereof, and fact alleged therein, to be true and
32 correct to the best of my knowledge and belief.

1 DATED: May 26, 1971 at San Quentin State Prison,
2 Marin County, Tamal, California.

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Respectfully submitted,

5

6

By Hector M. Cornillot

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Hector M. Cornillot, Jr.

8

Movant In Propria Persona and

9

In Forma Pauperis

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P.O. Box B-26405

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San Quentin State Prison

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Tamal, California 94964

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1 Constitutional requirements of a Fair and Public Speedy Trial
2 contemplates that the means are available to meet its requirements
3 and shall be utilized."

4 In the State of California, the Supreme Court and appellate
5 courts have ruled that, upon a motion for a Fair and Public Speedy
6 Trial, if denied, the movant can file a Writ of Habeas Corpus
7 seeking the Court to dismiss the indictment. Calif. Penal Code,
8 Sec. 1381.5.

9 "The right of a speedy trial is granted by the Constitution
10 to every accused. A convict is not excepted. He is not only
11 amenable to the law, but is under its protection as well. No
12 reason is perceived for depriving him of the right granted
13 generally to accused persons, and thus, in effect, inflict upon
14 him an additional punishment for the offense of which he has
15 been convicted." State v. Keefe, (1908) 17 Wyo. 227, 257, 98
16 Pac. 122-131.

17 The State of Florida may at any time have secured the return
18 of this defendant/ petitioner herein for trial. Uniform Criminal
19 Extradition Act. State of Florida authorities knew of defendant's
20 incarceration as it is evidenced by the Hold placed on the
21 defendant where he is presently incarcerated in California.
22 Therefore, the petitioner/defendant herein has been denied his
23 Constitutional right to a Speedy Trial and the Information must
24 be dismissed.

25 In Commonwealth V. McGrath, 348 Mass. 748, 205 N.E. 2d 710
26 (1965) the Massachusetts court held that the state must exercise
27 reasonable diligence and pay reasonable sums to secure trial of
28 an accused, even though that accused is in a Federal Penitentiary.
29 The court stated: "The question for decision is whether the
30 refusal of the Commonwealth to take the necessary steps (including
31 the payment of appropriate costs) to acquire jurisdiction over
32 the defendant has deprived him of his right to the speedy trial.

1 guaranteed by our Constitution." 205 N.E. 2d at 713.

2 "We hold that the right to a speedy trial contemplates
3 that the Commonwealth will take reasonable action to prevent
4 undue delay in bringing a defendant to trial, even though some
5 expense may be involved in bringing him into the Commonwealth and
6 returning him to Federal Custody. The Commonwealth must, within
7 a reasonable time, either secure the defendant's presence for
8 trial or dismiss the indictment." 205 N.E. 2d at 714.

9 Then we have the U.S. S. Ct. decisions on Klopfer v. North
10 Carolina, 386 U.S. 213 (1967); Smith v. Hoey, 393 U.S. 374
11 (1969) where the Court announced, "...that the State has a
12 Constitutional Duty to provide a criminal defendant a speedy trial,
13 even though the accused is a prisoner in another jurisdiction."

14 Defendant/petitioner could endlessly be citing a myriad
15 of similar decisions and landmarks. He thinks it not necessary
16 to waste more paper in a time consuming futile endeavor trying
17 to illustrate this Honorable Court in respect to something it
18 should know better since the right he is trying to assert it was
19 bestowed by this nation's forefathers upon Americans and other
20 people under the majestic shadow of the Constitution of the
21 United States of America almost two centuries ago.

22 This Honorable Court certainly do have jurisdiction to
23 Order or grant the present application for "Motion to Dismiss";
24 beside this Court does have jurisdiction to direct the prosecutor
25 or the Attorney General of the State of Florida to institute
26 these proceedings.

27 Prior to May 25, 1970, defendant/petitioner had cited
28 enforceable rights to trial when a person is confined in another
29 sovereign jurisdiction; on that date, however, the Supreme Court
30 of the United States, in Dickey v. Florida, 26 L. Ed. 2d. 26,
31 728 U.S. ____ (May 25, 1970), and cases cited, the high Court
32 held that the State of Florida was under obligation to have

1 instituted proceedings to have insured the defendant in that case
2 the Right to Speedy Trial guaranteed to an accused person under
3 the Sixth and Fourteenth Amendments of the Constitution of the
4 United States of America.

5 The instant case is precisely in point to Dickey v. Florida,
6 supra, the facts being identical.

7 The fact of the right thus being settled and applicable to
8 defendant/petitioner's case herein, the question presented is
9 procedural. Defendant/petitioner hereby applies for "Motion to
10 Dismiss" in the grounds of bad faith, failure, and lack and want
11 of prosecution from the prosecutor and the courts of the State
12 of Florida empowered to administer just, equal, and sober justice.

13 Consequently, can this Honorable Court act to protect
14 defendant/petitioner Constitutional Rights, Due Process and
15 Equal Protection of the Law, Constitutional Clauses of the Sixth
16 and Fourteenth Amendments of the Constitution of the U.S. of
17 America, granting this instant "Motion to Dismiss" under any
18 applicable State of Florida Law, whatever those statutory
19 provisions may be?

20 The Sixth Amendment, U.S. Constitution, enforceable against
21 the States through the Fourteenth Amendment, U.S. Constitution,
22 plus the State of Florida Constitution, Declaration of Rights,
23 Section 11, requires that an accused person be put to trial on
24 outstanding criminal charges thus guaranteeing the person the
25 right to Speedy Trial; and Dickey's, supra, and cases cited, and
26 many other landmarks and decisions, indicates that this right
27 holds even when the defendant is confined in an asylum state.

28 (Note: The opinion of this own Honorable Court in Dickey's
29 before the case was decisively decided on Certiorari in the U.S.
30 Supreme Court.)

31 These provisions of the U.S. Constitution have been
32 inexplicably violated in this instant case at bar, by this very

1 own Honorable Court, by which it is being respectfully requested
2 from this Honorable Court the issuance of an Order to Dismiss
3 or in the alternative to render an opinion of why these successive
4 applications in this Honorable Court are being denied systematically
5 without granting defendant/petitioner the redress to which he is
6 Constitutionally entitled.

7

8 C O N C L U S I O N

9 WHEREFORE, defendant/petitioner respectfully submits that:

10 1) An Order issue to the proscutor or Attorney General
11 of the State of Florida to institute the pertinent steps for
12 dismissal of such charges contained in Warrant No. 70-8883 for
13 want of prosecution;

14 2) That in the event the Court denies the instant
15 motion, that a written opinion giving the cause therefore be
16 issued;

17 3) That if the instant motion is denied, that Counsel
18 be appointed and the Court consider this motion as including a
19 Motion of Appeal from the Order; or

20 4) Such other relief and remedy as Law and Justice
21 requires.

22 DATED: May 26, 1971 at San Quentin State Prison,
23 County of Marin, Tamal, California.

24

25

Respectfully submitted,

26

27

By Hector M. Cornillot

28

Hector M. Cornillot, Jr.

29

Movant In Propria Persona and
In Forma Pauperis

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P.O. Box B-26405

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San Quentin State Prison

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Tamal, California 94964

1 Hector M. Cornillot, Jr.
2 P.O. Box B-26405
3 Tamal, California
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5 In Propria Persona

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7 IN THE SUPREME COURT OF
8 THE STATE OF FLORIDA
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10 -----)
11 HECTOR M. CORNILLOT, Jr.)
12 Defendant/Petitioner,) Case No. 40,580
13 Vs.) Detainer Matter
14 THE PEOPLE OF THE STATE OF FLORIDA;) No. 70-8883 From
15 Paul Rosenthal, Sergeant, Criminal) Metropolitan Dade
16 Warrant Section, Metropolitan Dade) County Public Safety
17 Louis S. Nelson, Warden, San Quentin) Department.
18 State Prison, Tamal, California; et al.,)
19 Plaintiff/Respondents.)
20 -----)

21 MOTION FOR APPOINTMENT OF COUNSEL IN FORMA PAUPERIS
22 TO REPRESENT THE MOVANT IN HIS PETITION FOR "MOTION
23 TO DISMISS."

24 To: The Honorable Marshall C. Wiseheart, Presiding Judge, and
25 to all the Associate Justices of this Honorable Court and
26 to the Prosecuting Attorney in the Above Captioned Matter;

27 I, Hector M. Cornillot, Jr., being under the penalty of
28 perjury and on his oath depose and say:

29 That I am an indefinite resident of the United States of
30 America under political asylum status, and the present circumstances
31 made me a ward of San Quentin State Prison, County of Marin,
32 State of California, and of lawful age, that he is the movant
in the above entitled action, "Motion to Dismiss", now pending

1 in this Honorable Court. That I am without funds and, consequent
2 I am unable, by my present indigent circumstances, to pay for
3 the services of counsel to represent me before this Honorable
4 Court.

5 That I have a just and lawful cause for consideration
6 before this Court, and that this action is necessary to protect
7 my Constitutional Rights to sue out and properly litigate this
8 application for "Motion to Dismiss" as guaranteed by the
9 Constitution of the United States of America.

10 Therefore, it is respectfully requested that the Constitu-
11 tional Authority for Appointment of Counsel to represent and aid
12 me herein before the Court in this action, be granted in light
13 of Douglas v. California, 83 S. Ct. 814; Lane v. Brown, 83 S. Ct.
14 468; Burns v. Ohio, 360 U.S. 362; Smith v. Bennett, 365 U.S.
15 708; Gideon v. Wainwright, 372 U.S. 335; or as in People v.
16 McGorvey, 61 C.A. 2d 577 at 563:

17 "Where a right is conferred by law, everything
18 necessary for its protection is also conferred."

19 That I am a layman, unskilled in law and therefore I do
20 not possess the skill and knowledge necessary to litigate the
21 action herein presented.

22 WHEREFORE, your movant/petitioner prays that this Honorable
23 Court, under the premise of fundamental fairness and in the
24 furtherance of justice, appoint adequate legal counsel to
25 represent me in said "Motion to Dismiss" in accordance with the
26 authorities hereinbefore set forth.

27 DATED: May 26, 1971 at San Quentin State Prison,
28 Tamal, California.

29 Respectfully submitted,

30
31 By Hector M. Cornillot
32 Hector M. Cornillot, Jr.
Movant In Propria Persona and
2. In Forma Pauperis
P.O. Box B-26405
San Quentin State Prison

EXHIBIT (A)

Hector M. Cornillot, Jr.
P.O. Box B-26405
Tamal, California
94964
In Propria Persona

FILED
JAN 6 1972
J. F. McCracken
CLERK

IN THE SUPREME COURT OF
THE STATE OF FLORIDA

HECTOR M. CORNILLIOT, JR.

Petitioner,

Vs.

The People of the State of Florida;
Paul Rosenthal, Sergeant, Criminal
Warrant Section, Metropolitan Dade
County Public Safety Department;
Louis S. Nelson, Warden, San Quentin
State Prison, Tamal, California,

Respondents.

No. 70-8883

Detainer Matter From
Metropolitan Public Safety
Department Criminal Warrant
Section, Dade County

oOo

Motion for a Quick, Fair,
and Public Speedy Trial

PETITION FOR ISSUANCE OF A WRIT OF HABEAS

TO: The Honorable Chief Justice and to all the Associate
Justices of this Honorable Court:

INTRODUCTION

Comes now your petitioner, Hector M. Cornillot, Jr., and
in propria persona does appear, respectfully, believing his cause
to be just, swearing under oath all allegations herein set forth
to be true; and, being ever cognizant of the penalty of perjury

for so swearing falsely. Thus your petitioner respectfully prays for the issuance of a Writ of Mandamus in order to compel the prosecuting authorities, to wit: Paul Rosenthal, Sergeant, Criminal Warrant Section, Metropolitan Dade County Public Safety Department, and/or any other prosecuting authority involved in the prosecution of the above named warrant number 70-8883, to direct a Writ of Habeas Corpus Ad Prosequendum to the incarcerating jurisdiction to bring petitioner to trial in a timely fashion or to dismiss all charges adjudicated by virtue of such warrant; as required by the Sixth Amendment Speedy Trial Clause and the Due Process and Equal Protection of the Law Clause of the Fourteenth Amendment to the U.S. of America Constitution.

The petitioner is a layman and not learned, unskilled, in the science or art of criminal law, he has not sufficient funds to retain private counsel to submit his case. That because of his poverty he is unable to give security therefore. That he have carefully considered the cause herein presented and believes that he is entitled to consideration of his petition, being it meritorious and far from frivolous.

The petitioner is a citizen of the Republic of Cuba by virtue of birth (actually a political refugee in this country) over the age of twenty-one (21) years; and that by virtue of residence his case falls under the protection, rights and, immunities conferred upon citizens of the U.S. by the United States Federal Constitution.

Your petitioner is being confined, locked up, detained,

deprived and, restrained of his liberty by Mr. Louis S. Nelson, Warden, San Quentin State Prison at Tamal, California, Marin County, California, serving an indeterminate sentence of Six (6) months to Five (5) years for Violation of Section 375.4 Penal Code of the State of California, to wit: Discharge of Explosives in a Place of Business.

JURISDICTION

The jurisdiction conferred upon this Honorable Court is invoked pursuant to Section 11 of the Declaration of Rights of the State of Florida Constitution; the Sixth and Fourteenth Amendments to the Constitution of the United States; the leading precedent case of Dickey Vs. Florida, 728 U.S. --- (May 25, 1970); Title 28 U.S.C., Sec. 2241 (c) (5).

STATEMENT OF THE CASE

Following commitment on the judgment of conviction aforesaid petitioner was notified, on October 26, 1970, by authorities at San Quentin State Prison, that a "Wanted" notice or detainer or hold had been lodged against him, the same issuing out of: Metropolitan Dade County Public Safety Department, Paul Rosenthal, Sergeant, Criminal Warrant Section, charging petitioner with violation of Explosive Laws of the State of Florida.

REASONS FOR GRANTING RELIEF

The Florida Constitution Declaration of Rights, Section 11, requires that an accused person be put to trial on outstanding criminal charges, "In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury, in the county where the crime was committed...."

Petitioner respectfully submits that in the context of the

instant case he is entitled to the protection provided by prevailing law, and that the fact he is a prisoner in another jurisdiction does not excuse the prosecuting authorities from statutory mandate. In fact, the failure to provide petitioner with the same protection as to have the Constitutional guarantee to enjoy the salutary benefits of a speedy trial, as is available to an accused party within the no uncertain terms of the "Interstate Agreement on Detainers", would raise a serious question of denial of equal protection of the laws.

POINTS AND AUTHORITIES

The Supreme Court of the United States has stated that: "Each of the 50 States guarantees the right to a speedy trial to its citizens," Klopper Vs. North Carolina, 386 U.S. 213 (1967). More recently the Court announced, "that the State has a Constitutional Duty to provide a criminal defendant a speedy trial, even though the accused is a prisoner in another jurisdiction," Smith Vs. Hoey, 393 U.S. 374 (1969); Dickey Vs. Florida, 728 U.S. ____ (May 25, 1970).

ARGUMENT

Although the Supreme Court has not designated any specified or precise boundaries of time limit within which it is mandatory upon the state to provide an individual charged with crime a trial, petitioner contends that by reason of Smith Vs. Hoey, and Dickey Vs. Florida, supra, and the terms of the "Interstate Agreement on Detainers", the state's statutes in the premises are controlling and that separate jurisdiction provides no surcease from the

obligation imposed upon the prosecuting authority thereby once it has started his prosecution of a case. And there is further reason this Court should grant the instant motion as well.

Petitioner has already been severely penalized for his conduct and transgressions of the law when he was moved solely by the sin of extreme love for his beloved country, the martyred Cuba, this wonderful country of yours, for the survival of democracy everywhere and, when perhaps erroneously, he unsuccessfully tried to exteriorize his protest or sound the alarm on the threat represented by the International Communist Conspiracy, and the imposition of additional penalties would not be in the public interest or in the best interest of justice and would plainly represent punishment upon punishment for punishment's sake, and could effect no purpose, rehabilitative or otherwise, in the case of the defendant/petitioner.

Moreover, Petitioner is 32 years old, and his present sentence represent his initial penal commitment, the existence of the Florida detainer or hold, beside imposing a source of anxiety and psychological harassment, interferes with petitioner's program, since it requires he be maintained as a high custody prisoner and this condition deprives him of farm camp assignment, training programs or work release assignment.

Because of his age and the absence of a prior criminal record, and, especially, in view of his salutary adjustment in his present confinement, it is respectfully urged that petitioner is entitled to a presumption of suitability for rehabilitation

in the observance of the orderly administration and aims of the laws of this his adoptive country, and the prosecution of the charges pending and hereby complained of, would not be in keeping with the spirit of the Courts of the State of Florida.

Of further prejudice to petitioner is the fact that in the circumstances of his particular background, he might well be properly considered as a candidate for imminent release on parole at his next year appearance in front of California Adult Authority or that, alternatively, if convicted of a charge additional to the present violation, the court would impose a concurrent term. Delay in prosecution would effectively deprive him of the benefits of such judicial consideration. (See: Bennett, "The Last Full Ounce," 23 Fed. Prob., June 1959).

C O N C L U S I O N

WHEREFORE, in the best interest of justice, and in keeping with the spirit of the prevailing law, petitioner respectfully requests the issuance of Writ of Mandamus from under the seal of this Honorable Court to compel the prosecuting authorities to direct a Writ of Habeas Corpus Ad Prosequendum to the incarcerating jurisdiction in order to bring petitioner to stand a fair and public speedy trial or in the alternative to dismiss the existing charges adjudicated and imputed to petitioner by the present detainer lodged against him, for which relief petitioner will ever pray.

Executed at San Quentin State Prison, Tamal, California,
this ____ day of DEC 11 1970, 1970.

Respectfully submitted,

By *Hector M. Cornillot*

Hector M. Cornillot, Jr.
Petitioner in Propria Persona
P.O. Box B-26405
San Quentin State Prison
Tamal, California 94964

Notary Seal
Affixed
on
Original

IN THE SUPREME COURT OF THE STATE OF FLORIDA

In the matter of an application of:

HECTOR CORNILLOT, JR.

Petitioner in Propria Persona

Vs.

The People of the State of Florida;
Paul Rosenthal, Sergeant, Criminal
Warrant Section, Metropolitan Dade
County Public Safety Department;
Louis S. Nelson, Warden, San Quentin
State Prison, Tamal, California,
Respondents.

No. 70-8883

Detainer Matter From
Metropolitan Dade County
Public Safety Department
Criminal Warrant Section

oOo

PETITION FOR ISSUANCE OF A
WRIT OF HABEAS CORPUS

MOTION TO PROCEED IN FORMA PAUPERIS

Comes now, Hector M. Cornillot, Jr., petitioner in the above entitled cause and moves this Honorable Court for leave to file herein the attached petition and to proceed in forma pauperis.

In support of this motion an AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO FILE AND PROCEED IN FORMA PAUPERIS is attached hereto and hereby made a part of this motion for all purposes and with the same force and effect as though set forth at length herein.

I declare under the penalty of perjury that the foregoing is true and correct.

DATED: DEC 11 1970 1970. Respectfully submitted,

Notary Seal
Affixed
on
Original

By: Hector M. Cornillot
Hector M. Cornillot, Jr.
Petitioner in Propria Persona
P.O. Box B-26405
San Quentin State Prison
Tamal, California 94964

IN THE SUPREME COURT OF THE STATE OF FLORIDA

UNITED STATES OF AMERICA)
STATE OF CALIFORNIA)
COUNTY OF MARIN)

SS: AFFIDAVIT IN SUPPORT OF MOTION FOR
LEAVE TO FILE AND PROCEED IN
FORMA PAUPERIS

I, Hector M. Cornillot, Jr., the petitioner in the foregoing entitled matter, deposes and say:

1. That I am the petitioner in the foregoing and attached PETITION FOR ISSUANCE OF WRIT OF MANDAMUS
2. That I am an indigent person who is without funds or other property with which to prepay the necessary fees or costs of filing and pursuing the cause in the foregoing matter, and that I have no other property or security in lieu thereof.
3. That petitioner is without legal counsel to represent him in this matter, nor does he possess sufficient funds with which to hire an attorney.
4. That the foregoing petition is filed in good faith, and that petitioner believes that he is entitled to the relief sought by the said petition.

For the foregoing reasons, I pray that this Honorable Court issue the appropriate order permitting me to proceed in Forma Pauperis in all matters included with the filing of the said matter.

I declare under the penalty of perjury that the foregoing is true and correct.

DATE: DEC 11 1970, 1970. Respectfully submitted,

Notary Seal
Affixed
on
Original

By Hector M. Cornillot
Hector M. Cornillot, Jr.
Petitioner in Propria Persona
P.O. Box E-26405, Tamal, Calif.
94964

IN THE SUPREME COURT OF THE STATE OF FLORIDA

UNITED STATES OF AMERICA)

STATE OF CALIFORNIA)

COUNTY OF MARIN)

SS: AFFIDAVIT OF VERIFICATION

I, Hector M. Cornillot, Jr., being first duly sworn, depose and say:

That he is the petitioner in the above and foregoing entitled matter; that he has prepared and read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge; except as to those matters which are therein stated on his information or belief, and as to those matters that he believes it to be true.

I, Hector M. Cornillot, Jr., declare under the penalty of perjury that the foregoing is true and correct.

DATE: DEC 11 1970, 1970.

Respectfully submitted,

By Hector M. Cornillot

Hector M. Cornillot, Jr.,
Petitioner in Propria Persona
P.O. Box B-26405
San Quentin State Prison
Tamel, California 94964

Notary Seal
Affixed
on
Original

IN THE SUPREME COURT OF THE STATE OF FLORIDA

UNITED STATES OF AMERICA)

STATE OF CALIFORNIA)

COUNTY OF MARIN)

SS: AFFIDAVIT OF PROOF OF SERVICE
BY MAIL

I, Hector M. Cornillot, Jr., the petitioner in the foregoing and attached matter, depose and say:

That I am an inmate of the California State Prison at San Quentin and a resident of Marin County (Tamal,) California, by virtue of said confinement. That I am over the age of eighteen (18) years and a party to the attached petition.

That I did this day submit for depositing in the United States Mails at the Post Office at San Quentin, in correctly addressed envelopes, with postage fully prepaid thereon, true copies of the within document for the following parties:

Original and <u>ONE</u> copy to:	Office of the Clerk Supreme Court of the State of Florida, Tallahassee, Fla.
One true copy to:	Office of the Governor of the State of Florida, Tallahassee, Fla.
One true copy to:	District Attorney Office Dade County, Miami, Fla.
One true copy to:	Attorney General Office for the State of Florida Tallahassee, Fla.
One true copy to:	Office of the Governor of the State of California Sacramento, California
One true copy to:	Office of the Attorney General for the State of California 6000 State Building, San Francisco California

I, Hector M. Cornillot, Jr., declare under the penalty of perjury that the foregoing is true and correct.

DATED: THIS _____ DAY OF DEC 11 1970, 1970.

Respectfully submitted,

By Hector M. Cornillot

Hector M. Cornillot, Jr.
Petitioner in Propria Persona
P.O. Box B-26405
San Quentin State Prison
Tamal, California 94964

Notary Seal
Affixed
on
Original

IN THE SUPREME COURT OF FLORIDA
JANUARY TERM, A. D. 1971
THURSDAY, FEBRUARY 18, 1971

HECTOR M. CORNILLOT, JR., **
Petitioner, **
v. **
THE PEOPLE OF THE STATE OF **
FLORIDA, PAUL ROSENTHAL, SERGEANT, **
CRIMINAL WARRANT SECTION, METRO- **
POLITAN DADE COUNTY PUBLIC SAFETY **
DEPARTMENT; LOUISE S. NELSON, **
WARDEN, SAN QUENTIN STATE PRISON, **
TAMAL, CALIFORNIA, **
Respondents. **

CASE NO. 40,580

Upon consideration of Petition for Writ of Mandamus, it
is ordered that said Petition be and the same is hereby denied.

A True Copy

TEST:

Sid J. White
Sid J. White
Clerk Supreme Court.
Charles F. Hall
Chief Deputy Clerk

cc: Mr. Hector M. Cornillot, Jr.
Office of the Governor of Florida
Honorable Richard E. Gerstein
Honorable Robert L. Shevin
Office of the Governor of California
Office of the Attorney General
of California
Honorable Marshall C. Wiseheart,
Presiding Judge