

**CIRCUIT COURT – CRIMINAL DIVISION**

STATE OF FLORIDA VS

CASE NO. 70-8883

Walter Lane

JUDGE ALAN R. SCHWARTZ

DATE MAR 3 0 1977

CLERK

**FILED -**  
MAR 30 1977  
RICHARD P. BRINKER  
CLERK

## EXHIBIT LIST

DESCRIPTION OF EXHIBITS	State Exhibit M.F.I.	State Exhibit	Deft's Exhibit M.F.I.	Deft's Exhibit
Motions filed by Thomas Morgan				A-Comp
Depositions of Castillo, Perez, Haspil, Brodie, Dawson, Stickney, Phelps, Irving		1-Comp		
Motion for Continuance				B
Motion to Dismiss				C
Returned Evidence To State & Deft				

DEFENDANT ADJUDGED INSOLVENT

RICHARD P. BRINKER, CLERK

INDIGENT

WITNESS SUBPOENA - CRIMINAL

CASE NO. 70-8883

STATE OF FLORIDA

COUNTY OF DADE

SS.

TO ALL AND SINGULAR, THE SHERIFFS OF THE STATE OF FLORIDA-GREETING:

WE COMMAND YOU TO SUMMON

DAVID WEED, Asst. Public Defender

Metro Justice Building

1351 N. W. 12th Street

Room 800

Miami, Florida

☐ PERSONAL SERVICE

☒ NO SERVICE

COPY LEFT WITH SECRETARY

REMARKS Marilyn Mittenag  
MARILYN MITTENTAG

DATE 3/16/77

TIME 3:52 PM

OFFICER

G. KELLY (PSD 4172)

to be and appear before the Honorable

Alan R. Schwartz

Judge of the Circuit Court of the Eleventh

Judicial Circuit of Florida, in and for Dade County, on the fourth floor of the Metropolitan Dade

County Justice Building in Miami, on Wednesday the 30th day of March

A. D. 1977 at 9:00

o'clock

A.

M., to testify and the truth to speak in behalf of

the DEFENDANT in a certain matter before said Court pending and undetermined, wherein the

State of Florida <sup>is</sup> ~~is~~ Plaintiff and HECTOR CORNILLLOT LLANO is Defendant.

And this you shall in no wise omit.

WITNESS, RICHARD P. BRINKER, Clerk and

the Seal of said Court in Miami, Dade County,

MAR 15 1977

Florida, this \_\_\_\_\_.

Attorney for Defendant

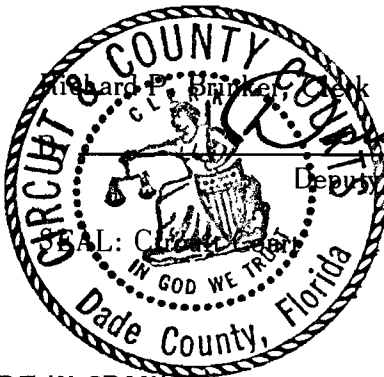
NICHOLAS J. CAPUANO, ESQUIRE

49 West Flagler Street

701 Biscayne Building

Miami, Florida 33130

373-2652



(REVERSE SIDE IN SPANISH)

(REVERSO EN ESPANOL)

INDIGENT

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

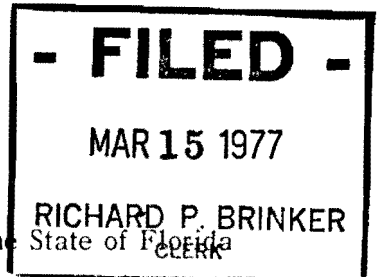
THE STATE OF FLORIDA  
Plaintiff,

VS. # 70-8883

HECTOR CORNILLLOT LLANO,  
Defendant.

PRAECIPE FOR WITNESS SUBPOENA  
(DEFENDANT)

TO: RICHARD P. BRINKER  
Clerk of said Court.



You will please issue a subpoena directed to the Sheriffs of the State of Florida  
commanding them to summons

STEPHEN MECHANIC

Attorney-at-Law

1125 N.E. 125th Street


North Miami, Florida

to appear before the Honorable Alan R. Schwartz

Judge of the said Circuit Court of Dade County, as witness\_\_\_ on behalf of the Defendant,

in the above cause, and that you make the same returnable on Wednesday

the 30th day of March 19 77 at 9:00 O'Clock A. M.

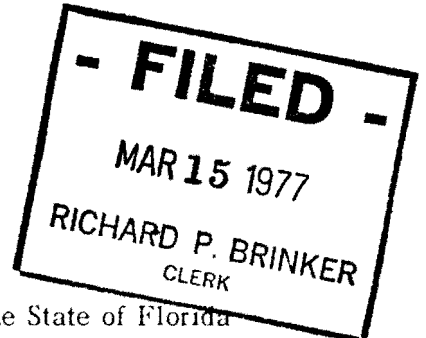
  
Counsel for the Defendant  
NICHOLAS J. CAPUANO, ESQUIRE  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

INDIGENT

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

THE STATE OF FLORIDA  
Plaintiff,  
VS. #70-8883  
HECTOR CORNILLLOT LLANO,  
Defendant.

PRAECIPE FOR WITNESS SUBPOENA  
(DEFENDANT)



TO: RICHARD P. BRINKER  
Clerk of said Court.

You will please issue a subpoena directed to the Sheriffs of the State of Florida  
commanding them to summons

THOMAS J. MORGAN

Attorney-at-Law

4th & West Flagler Street

Miami, Florida

to appear before the Honorable Alan R. Schwartz  
Judge of the said Circuit Court of Dade County, as witness\_\_\_ on behalf of the Defendant,  
in the above cause, and that you make the same returnable on Wednesday  
the 30th day of March 19 77 at 9:00 O'Clock A. M.

Counsel for the Defendant  
NICHOLAS J. CAPUANO, ESQUIRE  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

X



DEFENDANT ADJUDGED INSOLVENT

RICHARD P. BRINKER, CLERK

INDIGENT

WITNESS SUBPOENA - CRIMINAL

CASE NO. 70-8883

STATE OF FLORIDA

COUNTY OF DADE

SS.

TO ALL AND SINGULAR, THE SHERIFFS OF THE STATE OF FLORIDA-GREETING:

WE COMMAND YOU TO SUMMON

STEPHEN MECHANIC

Attorney-at-Law

1125 N.E. 125th Street

North Miami, Florida

☐ REWORK

☒ PERSONAL SERVICE

☐ NO SERVICE

REMARKS

DATE

3/16/77

TIME

3:35 P

OFFICER

A. CATANZARO

to be and appear before the Honorable

Alan R. Schwartz

Judge of the Circuit Court of the Eleventh

Judicial Circuit of Florida, in and for Dade County, on the fourth floor of the Metropolitan Dade

County Justice Building in Miami, on Wednesday the 30th day of March

A. D. 1977 at 9:00 o'clock A. M., to testify and the truth to speak in behalf of

the DEFENDANT in a certain matter before said Court pending and undetermined, wherein the

State of Florida <sup>is</sup> ~~is~~ Plaintiff and HECTOR CORNILLLOT LLANO is Defendant.

And this you shall in no wise omit.

WITNESS, RICHARD P. BRINKER, Clerk and

the Seal of said Court in Miami, Dade County,

Florida, this MAR 15 1977.

Attorney for Defendant

NICHOLAS J. CAPUANO, ESQUIRE

19 West Flagler Street

701 Biscayne Building

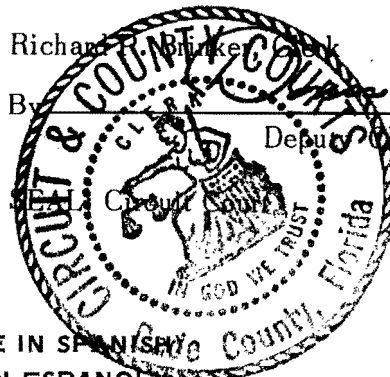
Miami, Florida 33130

373-2652

Richard P. Brinker, Clerk

By

Deputy Clerk

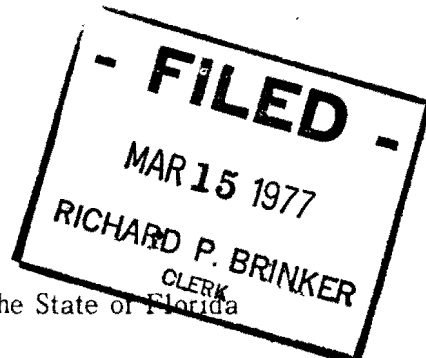


(REVERSE SIDE IN SPANISH)  
(REVERSO EN ESPAÑOL)

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

THE STATE OF FLORIDA  
Plaintiff,  
VS. # 70-8883  
HECTOR CORNILLLOT LLANO,  
Defendant.

PRAECIPE FOR WITNESS SUBPOENA  
(DEFENDANT)



TO: RICHARD P. BRINKER  
Clerk of said Court.

You will please issue a subpoena directed to the Sheriffs of the State of Florida  
commanding them to summons

CARLOS FERNANDEZ

Attorney-at-Law

700 S. W. 22nd Avenue

Miami, Florida

to appear before the Honorable Alan R. Schwartz  
Judge of the said Circuit Court of Dade County, as witness on behalf of the Defendant,  
in the above cause, and that you make the same returnable on Wednesday  
the 30th day of March 19 77 at 9:00 O'Clock A. M.

Counsel for the Defendant  
NICHOLAS J. CAPUANO, ESQUIRE  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

DEFENDANT ADJUDGED INSOLVENT

RICHARD P. BRINKER, CLERK

INDIGENT

WITNESS SUBPOENA - CRIMINAL

CASE NO. 70-8883

STATE OF FLORIDA

COUNTY OF DADE

SS.

TO ALL AND SINGULAR, THE SHERIFFS OF THE STATE OF FLORIDA-GREETING:

WE COMMAND YOU TO SUMMON

RONALD DRESNICK

Attorney-at-Law

66 West Flagler Street

Miami, Florida

FILED  
PL-285  
DATE 3-16-77  
OFFICER P. BROWN  
PERSONAL SERVICE  
TIME 10:00  
NO SERVICE

to be and appear before the Honorable

Alan R. Schwartz

Judge of the Circuit Court of the Eleventh

Judicial Circuit of Florida, in and for Dade County, on the fourth floor of the Metropolitan Dade

County Justice Building in Miami, on Wednesday the 30th day of March

A. D. 1977 at 9:00 o'clock A. M., to testify and the truth to speak in behalf of

the DEFENDANT in a certain matter before said Court pending and undetermined, wherein the

State of Florida ~~xxx~~ is Plaintiff and HECTOR CORNILLLOT LLANO is Defendant.

And this you shall in no wise omit.

WITNESS, RICHARD P. BRINKER, Clerk and

the Seal of said Court in Miami, Dade County,

Florida, this MAR 15 1977.

Attorney for Defendant:

NICHOLAS J. CAPUANO, ESQUIRE

19 West Flagler Street

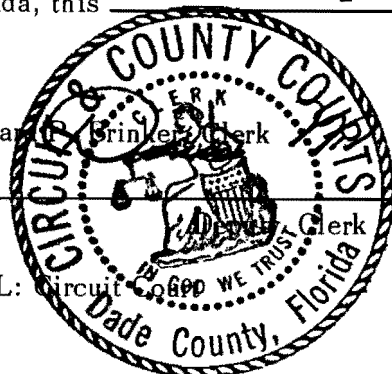
701 Biscayne Building  
Miami, Florida 33130

373-2652

Richard P. Brinker, Clerk

By

SEAL: Circuit



(REVERSE SIDE IN SPANISH)

(REVERSO EN ESPANOL)

DEFENDANT ADJUDGED INSOLVENT

RICHARD P. BRINKER, CLERK

INDIGENT

WITNESS SUBPOENA - CRIMINAL

CASE NO. 70-8883

STATE OF FLORIDA

COUNTY OF DADE

SS.

TO ALL AND SINGULAR, THE SHERIFFS OF THE STATE OF FLORIDA-GREETING:

WE COMMAND YOU TO SUMMON

THOMAS J. MORGAN

Attorney-at-Law

4th & West Flagler Street

Miami, Florida

3-16-77  
OFFICER  
P. BROWN  
TIME 10:00  
NO SERVICE

to be and appear before the Honorable  
Alan R. Schwartz Judge of the Circuit Court of the Eleventh

Judicial Circuit of Florida, in and for Dade County, on the fourth floor of the Metropolitan Dade  
County Justice Building in Miami, on Wednesday the 30th day of March

A. D. 1977 at 9:00 o'clock A. M., to testify and the truth to speak in behalf of  
the DEFENDANT in a certain matter before said Court pending and undetermined, wherein the  
is  
State of Florida ~~is~~ Plaintiff and HECTOR CORNILLLOT LLANO is Defendant.

And this you shall in no wise omit.

WITNESS, RICHARD P. BRINKER, Clerk and  
the Seal of said Court in Miami, Dade County,  
Florida, this MAR 15 1977.

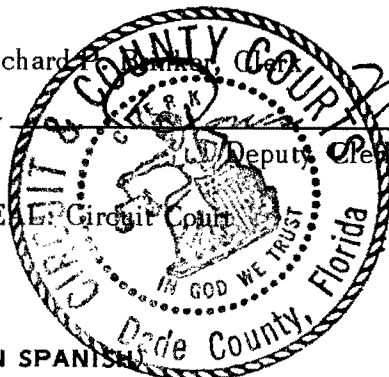
Attorney for Defendant:

NICHOLAS P. CAPUANO, ESQUIRE  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

Richard P. Brinker, Clerk

By

SEAL OF THE CIRCUIT COURT



(REVERSE SIDE IN SPANISH)  
(REVERSO EN ESPANOL)



DEFENDANT ADJUDGED INSOLVENT

RICHARD P. BRINKER, CLERK

INDIGENT

WITNESS SUBPOENA - CRIMINAL

CASE NO. 70-8883

STATE OF FLORIDA

COUNTY OF DADE

SS.

TO ALL AND SINGULAR, THE SHERIFFS OF THE STATE OF FLORIDA-GREETING:

WE COMMAND YOU TO SUMMON

CARLOS FERNANDEZ

Attorney-at-Law

700 S. W. 22nd Avenue

Miami, Florida

☐ REWORK ☐ PERSONAL SERVICE ☒ NO SERVICE

REMARKS

DATE

TIME

OFFICER

E. BARRETO

to be and appear before the Honorable

Alan R. Schwartz

Judge of the Circuit Court of the Eleventh

Judicial Circuit of Florida, in and for Dade County, on the fourth floor of the Metropolitan Dade County Justice Building in Miami, on Wednesday the 30th day of March

A. D. 19 77 at 9:00 o'clock A. M., to testify and the truth to speak in behalf of the DEFENDANT in a certain matter before said Court pending and undetermined, wherein the State of Florida <sup>is</sup> ~~am~~ Plaintiff and HECTOR CORNILLOT LLANO is Defendant.

And this you shall in no wise omit.

WITNESS, RICHARD P. BRINKER, Clerk and  
the Seal of said Court in Miami, Dade County,  
Florida, this MAR 15 1977.

Attorney for Defendant:

NICHOLAS J. CAPUANO, ESQUIRE  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

Richard P. Brinker, Clerk

By

Deputy Clerk

SEAL OF THE CIRCUIT COURT

(REVERSE SIDE IN SPANISH)  
(REVERSO EN ESPANOL)

INDIGENT

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

THE STATE OF FLORIDA

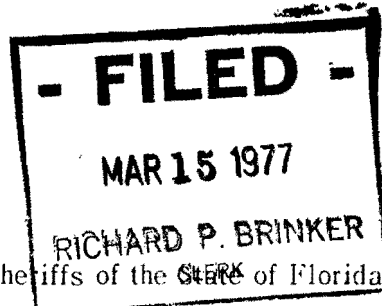
Plaintiff,

VS. # 70-8883

PRAECIPE FOR WITNESS SUBPOENA  
(DEFENDANT)

HECTOR CORNILLLOT LLANO,  
Defendant.

TO: RICHARD P. BRINKER  
Clerk of said Court.



You will please issue a subpoena directed to the Sheriffs of the State of Florida  
commanding them to summons

RONALD DRESNICK

Attorney-at-Law

66 West Flagler Street

Miami, Florida

to appear before the Honorable Alan R. Schwartz

Judge of the said Circuit Court of Dade County, as witness\_\_\_on behalf of the Defendant,

in the above cause, and that you make the same returnable on Wednesday

the 30th day of March 19 77 at 9:00 O'Clock A. M.

Counsel for the Defendant  
NICHOLAS J. CAPUANO, ESQUIRE  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

x

INDIGENT

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

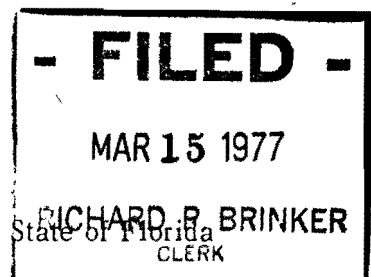
THE STATE OF FLORIDA  
Plaintiff,

VS. #70-8883

HECTOR CORNILLLOT LLANO,  
Defendant.

PRAECIPE FOR WITNESS SUBPOENA  
(DEFENDANT)

TO: RICHARD P. BRINKER  
Clerk of said Court.



You will please issue a subpoena directed to the Sheriffs of the State of Florida  
commanding them to summons

DAVID WEED, Asst. Public Defender

Metro Justice Building

1351 N. W. 12th Street

Room 800

Miami, Florida

to appear before the Honorable Alan R. Schwartz

Judge of the said Circuit Court of Dade County, as witness\_\_\_ on behalf of the Defendant,

in the above cause, and that you make the same returnable on Wednesday

the 30th day of March 19 77 at 9:00 O'Clock A. M.

Counsel for the Defendant  
NICHOLAS J. CAPUANO, ESQUIRE  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

Y

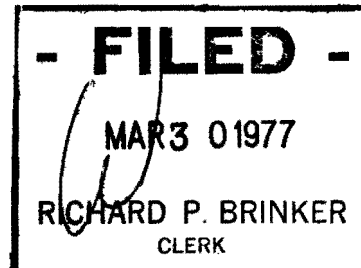
IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA,  
IN AND FOR DADE COUNTY

THE STATE OF FLORIDA

VS # 70-8883

ORDER GRANTING MOTION FOR RELIEF \_\_\_\_\_

HECTOR CORNILLLOT LLANO



THIS CAUSE HAVING COME ON BEFORE THE COURT upon the motion of the above prisoner for relief pursuant to Criminal Procedure, Rule 3.850, and the Court having heard the evidence presented and the argument of the State Attorney and the Public Defender, acting as Counsel for prisoner, and the Court finding that the prisoner is entitled to the relief prayed for, and being otherwise fully advised in the premises, it is thereupon

CONSIDERED, ORDERED AND ADJUDGED that the Motion for Relief, filed on  
FEBRUARY 15, 1977, by the prisoner, be and the same is hereby granted, and the prisoner awarded a new trial, and it is therefore, further

CONSIDERED, ORDERED AND ADJUDGED that the Judgment and Sentence of this Court heretofore entered in the above styled cause be and the same hereby vacated, set aside and held for naught.

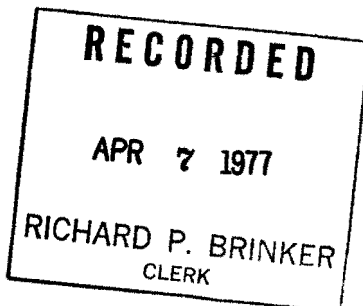
DONE AND ORDERED in open Court at Miami, Dade Ci unty, Florida, this the 30th  
day of MARCH, A. D., 1977.

By:   
ALAN R. SCHWARTZ Judge

FILED AND RECORDED  
IN CIRCUIT COURT  
MINUTES AS INDICATED HEREON

Richard P. Brinker, Clerk

By: \_\_\_\_\_  
Deputy Clerk



OFF REC 9641 PG 124

**BOD/mcd**

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

**CASE NO. 70-8883**

**WITNESS SUBPOENA - PRAECIPE  
"Criminal"**

**STATE OF FLORIDA, ss.**

**TO:**

**Det. Ozzie Austin**

**vs.**

**Miami Police Department**

**HECTOR CORNILLLOT LIANO**

**(Defendants)**

**(Witnesses)**

**TO:**

**Clerk of said Court.**

You will please issue subpoenas for the above named witnesses to be and appear before the State Attorney, of the Eleventh Judicial Circuit of Florida, on the Sixth Floor, Metropolitan Dade County Justice Building, 1351 N.W. 12th Street, Miami, Florida, on Friday, May 23, 77 M., to testify and the truth to speak in behalf of the STATE in a certain matter before said State Attorney pending and undetermined.

**RICHARD E. GERSTEIN, State Attorney**

**77**

**SEE: EDWARD O'DONNELL  
ASSISTANT STATE ATTORNEY**

BOD:mcd

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

CASE NO. 70-8883

WITNESS SUBPOENA - PRAECIPE  
"Criminal"

STATE OF FLORIDA, ss.

TO: Tom Brodie #0346

vs.

Public Safety Department

HECTOR CORNILLLOT LIANO

(Defendants)

(Witnesses)

TO: Clerk of said Court.

You will please issue subpoenas for the above named witnesses to be and appear before the State Attorney, of the Eleventh Judicial Circuit of Florida, on the Sixth Floor, Metropolitan Dade County Justice Building, 1351 N.W. 12th Street, Miami, Florida, on \_\_\_\_\_  
19Friday, May 23, 77 M., to ~~testify~~ 2:00 P. and the truth to speak in behalf of the STATE in a certain matter before said State Attorney pending and undetermined.

RICHARD E. GERSTEIN, State Attorney

77

SHE: EDWARD O'DONNELL  
ASSISTANT STATE ATTORNEY



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

CASE NO. 70-8883

WITNESS SUBPOENA – PRAECIPE  
"Criminal"

STATE OF FLORIDA, ss.

TO: Marvin Haspil

vs.

2440 N. 214th Street

HECTOR CORNILLOT LIANO

Miami Beach, Florida

951-0748

(Defendants)

(Witnesses)

TO: Clerk of said Court.

You will please issue subpoenas for the above named witnesses to be and appear before the State Attorney, of the Eleventh Judicial Circuit of Florida, on the Sixth Floor, Metropolitan Dade County Justice Building, 1351 N.W. 12th Street, Miami, Florida, on \_\_\_\_\_

Friday, May 27 77 2:00 P.  
19\_\_\_\_\_, at \_\_\_\_\_ M., to testify and the truth to speak in behalf of the STATE in

a certain matter before said State Attorney pending and undetermined.

~~Richard E. Gerstein~~ Richard E. Gerstein State Attorney

77

SEE EDWARD O'DONNELL  
ASSISTANT STATE ATTORNEY



CIRCUIT COURT  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

ELLEN J. MORPHONIOS  
CIRCUIT JUDGE

February 25, 1977

METROPOLITAN JUSTICE BUILDING  
1351 N.W. 12TH STREET  
MIAMI, FLORIDA 33125

Case No. 70-8883

STATE OF FLORIDA VS HECTOR C. LLANO

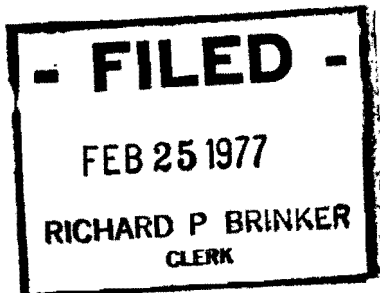
C  
O  
P  
Y

Receipt is acknowledged of steno-reporter  
tapes of Nathaniel Corbin, Court Reporter,  
Seybold Building, Miami, Florida, for  
January 10, 1972 in the above styled cause.  
Tapes to be returned to the Warehouse,  
980 Northwest 84th Avenue, Hialeah, Florida.

---

EJM/z

39-624



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

CASE NO. 70-8883 (Judge Morphonios)

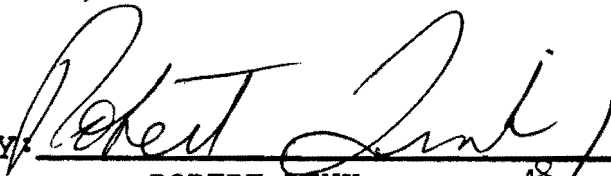
THE STATE OF FLORIDA, )  
Plaintiff, )  
vs. )  
HECTOR LLANO )  
Defendant. )

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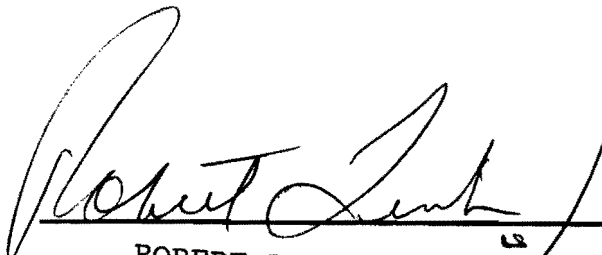
CERTIFICATION OF CONFLICT OF  
INTEREST BETWEEN DEFENDANTS

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

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

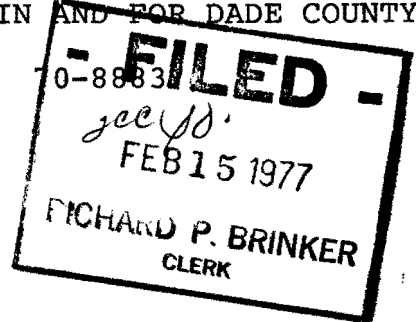
By:   
ROBERT LINK  
Assistant Public Defender

I HEREBY CERTIFY that a true and correct copy of the  
foregoing Certification of Conflict of Interest Between Defendants  
was hand-delivered to the office of the Honorable RICHARD E.  
GERSTEIN, State Attorney, 1351 Northwest 12 Street, Miami, Florida,  
This 25th day of February A.D. 197 7.

  
ROBERT LINK  
Assistant Public Defender

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

CASE NO: 70-8883



THE STATE OF FLORIDA,

Plaintiff,

-vs-

HECTOR LLANO,


Defendant.

ORDER TO TRANSPORT

THIS CAUSE having come to be heard this 15<sup>th</sup> day of February, 1977, it is hereby,

ORDERED and ADJUDGED that the Defendant, Hector LLano shall be transported by the Dade County Division of Corrections from his place of incarceration at the West Palm Beach County Jail to the Dade County Jail for the purpose of attending and testifying in support of his motion before this Court.

DONE and ORDERED in Open Court at Miami, Dade County, Florida, this 15th day of February, 1977.

  
ELLEN MORPHONIOS, Judge  
Circuit Court

**DEFENDANT ADJUDGED INSOLVENT**

INDIGENT

**RICHARD P. BRINKER, CLERK**

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

THE STATE OF FLORIDA

Plaintiff,

VS. # 70-8883

HECTOR CORNILLOT LLANO,

Defendant.

PRAECIPE FOR WITNESS SUBPOENA  
(DEFENDANT)

DUCES TECUM

TO: RICHARD P. BRINKER  
Clerk of said Court.

You will please issue a subpoena directed to the Sheriffs of the State of Florida  
commanding them to summons

Mr. George Slattery

c/o Slattery Associates, Inc.

13601 S.W. 102 Avenue

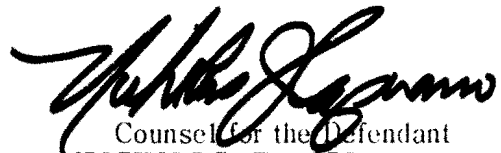
Miami, Florida 33176

to appear before the Honorable Alan R. Schwartz

Judge of the said Circuit Court of Dade County, as witness on behalf of the Defendant,

in the above cause, and that you make the same returnable on Wednesday

the 30th day of March 19 77 at 9:00 O'Clock A. M.



Counsel for the Defendant  
**NICHOLAS J. CAPUANO, ESQUIRE**  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652

CLERK OF COURT  
DADE COUNTY  
03

77 MAR 23 AM 8 53

FILED FOR RECORD

- FILED -

APR 5 1977

RICHARD P. BRINKER

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

CASE #70-8883

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

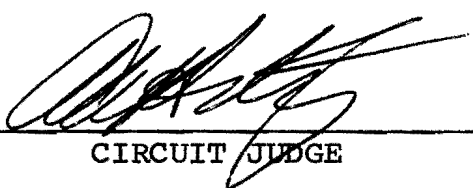
ORDER VACATING JUDGMENT OF  
CONVICTION AND SENTENCE

This cause came on to be heard upon the defendant's Motion To Vacate Judgment and Sentence (filed January 27, 1977) pursuant to and in accordance with Rule 3.850, Rules of Criminal Procedure.

The record, evidence, proceedings and testimony adduced before me on March 30, 1977, warrants no conclusion other than the challenged judgment of conviction and sentence entered by the then Criminal Court of Record, in and for Dade County, Florida, should be vacated.

Accordingly, the defendant's Motion To Vacate Judgment and Sentence be, and the same is hereby granted, and, the judgment and sentence entered on May 5, 1972, in book 542, at page 557, of the records of such Court be and the same are hereby vacated.

ORDERED AND ADJUDGED in Chambers, at Miami, Dade County, Florida, this 5 day of April, 1977.

  
CIRCUIT JUDGE

**RECORDED**  
  
APR 26 1977  
  
RICHARD P. BRINKER  
CLERK

OFF REC 9661 PG 273

45



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

CAUSE NUMBERED 70-8883

STATE OF FLORIDA )

vs )

HECTOR CORNILLOT LIANO )

ORDER TO RETURN PRISONER  
FOR TRIAL

It having been represented unto this Court that the defendant,  
HECTOR CORNILLOT LIANO

charged in the above entitled cause or causes with the following crime or crimes:

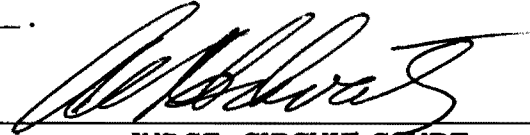
UNLAWFUL THROWING, PLACING OR DISCHARGING

A BOMB

is presently incarcerated as a prisoner of the State of Florida under the custody of ~~the Division of Corrections~~ the Palm Beach County Jail and this Court having entertained the motion of the State Attorney of the Eleventh Judicial Circuit of Florida to return the said prisoner to this jurisdiction for the purpose of standing trial in the above entitled cause or causes, and being otherwise fully advised in the premises, it is

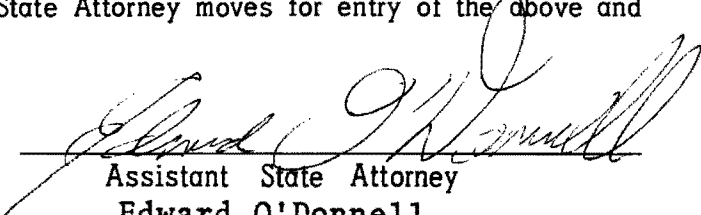
ORDERED AND ADJUDGED that the Sheriff of Dade County, Florida, be and he is hereby directed to take custody of the said prisoner and to safely return him to this Court for trial in the above entitled cause or causes on or before the 27th day of May, 1977; and the Director of the Division of Corrections of the State of Florida be and he is hereby directed to deliver up the person of the said prisoner to the custody of the Sheriff of Dade County, Florida, taking proper receipt therefor, in order to effectuate the provisions hereof.

DONE AND ORDERED at Miami, Dade County, Florida, this the 26th day of May, 1977.

  
JUDGE, CIRCUIT COURT  
IN AND FOR DADE COUNTY, FLORIDA  
DIVISION \_\_\_\_\_

M O T I O N

The undersigned Assistant State Attorney moves for entry of the above and foregoing order.

  
Assistant State Attorney  
Edward O'Donnell

77 MAY 26 PM 3 10  
MICHAEL J. PRINER  
CLERK, CIRCUIT COURT  
DADE COUNTY, FLA.  
03

FILED FOR RECORD

STATE OF FLORIDA

UNIFORM COMMITMENT TO CUSTODY 6/3/77  
OF DIVISION OF CORRECTIONS

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

SPRING Term, 19 77

Conviction for UNLAWFUL THROWING, PLACING OR DISCHARGING A BOMB  
(Offense)

Date of sentence imposed MAY 31, 1977

Date of conviction MAY 31, 1977

Term of sentence TEN (10) YEARS

NUNC PRO TUNC: MAY 5, 1972  
=====

STATE OF FLORIDA,

Plaintiff,

vs.

Case No. 70-8883

HECTOR CORNILLLOT LLANO

Defendant.

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA TO THE SHERIFF  
OF SAID COUNTY AND THE DIVISION OF CORRECTIONS OF SAID STATE, GREETING:

The above named defendant having been duly charged with the above named offense in the above  
styled Court, and he having been duly convicted and adjudged guilty of and sentenced for said offense  
by said Court, as appears from the attached certified copies of

INFORMATION OR INDICTMENT

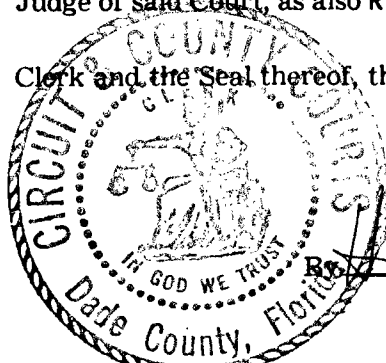
judgment and sentence, which are hereby made parts hereof;

Now, therefore, this is to command you, the said Sheriff, to take and keep and, within a reasonable  
time after receiving this commitment, safely deliver the said defendant into the custody of the Division  
of Corrections of the State of Florida; and this is to command you, the said Division of Corrections,  
by and through your director, superintendents, wardens, and other officials, to keep and safely imprison  
the said defendant for the term of said sentence in the institution in the state correctional system to  
which you, the said Division of Corrections, may cause the said defendant to be conveyed or thereafter  
transferred. And these presents shall be your authority for the same. Herein fail not.

WITNESS the Honorable ALAN R. SCHWARTZ

Judge of said Court, as also RICHARD P. BRINKER,

Clerk and the Seal thereof, this the 31st day of MAY, 19 77.



RICHARD P. BRINKER  
Clerk of said Court

Schuchler  
Deputy Clerk

(To be used in committing defendants under indeterminate sentences  
as well as under sentences of imprisonment for definite periods.)

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

CASE NO. 70-8883

WITNESS SUBPOENA  
"Criminal"

STATE OF FLORIDA, ss.

TO: Tom Brodie #0346

vs.

Public Safety Department

HECTOR CORNILLLOT LIANO

(Defendants)

(Witnesses)

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA: GREETINGS

We command you to summon the above witnesses to be and appear before the State Attorney, of the Eleventh Judicial Circuit of Florida, on the Sixth Floor, Metropolitan Dade County Justice Building, 1351 N.W. 12th Street, Miami, Florida, on Friday, May 27, 1977, at 2:00 P. M., to testify and the truth to speak in behalf of the STATE in a certain matter before said State Attorney pending and undetermined.

And this you shall in no wise omit.

WITNESS, RICHARD P. BRINKER, Clerk of said Court, and the seal of said Court at Miami, Dade County, Florida, this the 23 day of May, 19 77.

RICHARD P. BRINKER, Clerk

By

Margaret J. Davis  
Deputy Clerk



SEE: EDWARD O'DONNELL  
ASSISTANT STATE ATTORNEY

RECEIVED this Subpoena on the \_\_\_\_\_ day of \_\_\_\_\_,

19 \_\_\_\_\_, and executed the same on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,

by delivering a true copy thereof to the witnesses named above, as follows, to-wit:

SHERIFF, DADE COUNTY, FLORIDA

By

Deputy Sheriff

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

CASE NO. 70-8883

WITNESS SUBPOENA  
"Criminal"

STATE OF FLORIDA, ss.

TO: Marvin Haspil

vs.

2440 N.E. 214th Street

HECTOR CORNILLLOT LIANO

N. Miami Beach, Florida

931-0748

☐ REWORK

☒ PERSONAL SERVICE

☐ NO SERVICE

REMARKS

DATE

5/25/77

TIME

6:00

(Defendants)  
OFFICER

A. CATANZARO

(Witnesses)

NO SERVICE  
PERSONAL SERVICE  
REWORK

REMARKS NO SUCH  
DATE 5-24-77 TIME 3:32

TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA: GREETINGS

We command you to summon the above witnesses to be and appear before the State Attorney, of the Eleventh Judicial Circuit of Florida, on the Sixth Floor, Metropolitan Dade County Justice Building, 1351 N.W. 12th Street, Miami, Florida, on Friday, May 27 19 77, at 2:00 P. M., to testify and the truth to speak in behalf of the STATE in a certain matter before said State Attorney pending and undetermined.

And this you shall in no wise omit.

WITNESS, RICHARD P. BRINKER, Clerk of said Court, and the seal of said Court at Miami, Dade County, Florida, this the 23rd day of May, 19 77.

RICHARD P. BRINKER, Clerk

By

Margaret Q. Davis  
Deputy Clerk



SEE EDWARD O'DONNELL  
ASSISTANT STATE ATTORNEY

RECEIVED this Subpoena on the \_\_\_\_\_ day of \_\_\_\_\_,

19 \_\_\_\_\_, and executed the same on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_,

by delivering a true copy thereof to the witnesses named above, as follows, to-wit:

SHERIFF, DADE COUNTY, FLORIDA

By \_\_\_\_\_

Deputy Sheriff

RECEIVED  
DADE COUNTY CLERK

MAY 23 PM 3 58

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA  
IN AND FOR DADE COUNTY. CAUSE NUMBERED 70-8883

STATE OF FLORIDA )

-VS-

HECTOR CORNILLOT )

025. 10C TO SPO  
 \$1.00  
 ORDER  
 TO PAY OUT OF STATE  
 CLERK, CIRCUIT  
 RICHARD  
 MADE  
 JAMES

RICHARD E. BRIMLEY, JR.  
CIRCUIT & COUNTY CLERK  
DADE COUNTY, FLA.  
D3

77 MAY 31 AM 11 44

FILED FOR RECORD

It appearing unto the Court that VIC LEONARD

\_\_\_\_\_, whose address is 8585 Stemmons Free Way

Dallas, Texas

was duly summoned as a witness in the above entitled cause and did in response to said summons appear as a witness on behalf of the State of Florida, for which said witness is entitled to receive the sum of 10¢ per mile and \$5.00 per diem as provided by Statute, it is therefore

ORDERED that the Board of County Commissioners of Dade County, Florida, pay unto  
the said VIC LEONARD

the following sums, to-wit:

From <u>Dallas, Tex.</u>	to Miami, Florida	and return
<u>2,654</u> miles @ 10¢		\$ <u>265.40</u>
Per diem <u>2</u> days @ \$5.00		\$ <u>10.00</u>
Total amount owing witness		\$ <u>275.40</u>
Less transportation advanced (if any)		\$ <u>-----</u>
Net amount owing witness		\$ <u>275.40</u>

and the Clerk of this Court be and he is hereby directed to forthwith forward a certified copy of this Order to the said Board in order to effect the provisions hereof.

DONE AND ORDERED in Miami, Dade County, Florida this the 31st  
day of May, 19 77.

Circuit Judge

## M O T I O N

Counsel for the State moves for entry of the above order.

RICHARD E. GERSTEIN  
State Attorney

By

Assistant State Attorney







Hector Cornillot / LLANO  
A-034883  
Medical & Reception Center  
LAKE BUTLER, FL  
JUNE 21, 1977

Court Clerk  
Miami, FL

70-8883

Schwartz

FILED FOR RECORD  
77 JUN 23 PM 1 19  
RICHARD P. BRINKER  
CLERK, CIRCUIT & COUNTY CTS.  
DADE COUNTY, FLA.  
03

DEAR SIR:

Notice of Appeal

PLEASE ACCEPT THIS MISSIVE AS A FORMAL MOTION OR REQUEST FOR "NOTICE OF APPEAL" AND "REQUEST FOR COPY OF MY TRIAL TRANSCRIPTS" OF MAY 31, 1977.

I AM A LAYMAN, NOT TRAINED IN THE LAW. HOWEVER, I DO WANT TO EXERCISE MY RIGHTS TO APPEAL MY CONVICTION, WITHIN THE TIME STIPULATED BY LAW AND NEED, BOTH, THE ACKNOWLEDGEMENT OF THIS MOTION BY THE COURT AND THE TRANSCRIPTS.

PLEASE DON'T DENY ME THIS RIGHT, SIMPLY BECAUSE THIS REQUEST/PETITION LACKS LEGAL FORM OR STYLE. I AM A LAYMAN AND A PAUPER.

I WAS CONVICTED ON MAY 31, 1977 IN THE COURT OF Mr. HONORABLE JUDGE ALLEN SCHWARTZ.  
THANK YOU FOR YOUR ATTENTION.

~~Sworn to and subscribed before me this~~  
21 day of June, 1977 A.D.

Sincerely;

Paul J. Cavers

Notary Public, State of Florida at Large  
My Commission Expires April 3, 1981  
Bonded By American Fire & Casualty Company

Hector Cornillot  
Hector Cornillot LLANO

Name HECTOR CORNILLLOT LLANO #034883

RECEPTION & MEDICAL CENTER  
BOX 628  
Lake Butler, Florida 32054

1660762



MR. RICHARD P. BRINKER, CLERK  
CIRCUIT AND COUNTY COURTS  
CRIMINAL JUSTICE SYSTEM ROOM # 702  
1351 N.W. 12<sup>th</sup> STREET  
MIAMI, FL 33125

# Richard H. Brinker

CLERK, CIRCUIT AND COUNTY COURTS

June 27, 1977



Please reply to:

CRIMINAL DIVISION  
1351 N.W. 12th Street  
Miami, Florida 33125  
Tele. (305)

Hector Cornillot Llano  
A-034883  
Medical & Reception Center  
Lake Butler, Fla.  
Box 628

Dear Sir:

In response to your "formal Notice of Appeal" dated May 31, 1977, please be advised that your attorney, Nicholas Capuano, has filed a Notice of Appeal in your behalf and please contact him at 19 West Flagler Street for any further information regarding your Appeal. Mr. Capuano was appointed to represent you on Appeal by the Honorable Allan R. Schwartz.

Very Truly Yours,  
RICHARD P. BRINKER, Clerk

By:

*Helen D. Danett*  
DEPUTY CLERK

# Richard P. Brinker

CLERK  
CIRCUIT AND COUNTY COURTS  
METROPOLITAN JUSTICE BUILDING

June 27, 1977



CRIMINAL  
ROOM 702

1351 N.W. 12th Street  
Miami, Florida 33125

Telephone (305)

Honorable Robert L. Shevin  
Attorney General of Florida  
Sunset Executive Center  
8585 Sunset Drive, Suite 75  
Miami, Florida

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

Judge Alan R. Schwartz

Dear Sir:

Enclosed please find certified copy of the Notice of Appeal filed on June 24, 1977 in the above referenced cause a similar copy having been forwarded to the Honorable William P. Carter, Clerk of the District Court of Appeal, Third District of Florida.

The aforementioned Defendant was convicted and sentenced on the following charges by Judge Schwartz:

<u>Date of Conviction</u>	<u>Charges</u>	<u>Sentence</u>
May 31, 1977	Unlawful Throwing, Placing, Or Discharging A Bomb	May 31, 1977 - 10 yrs. State Pen. nunc pro tunc May 5, 1972.

The defendant is currently incarcerated in the custody of the Dept. of Offender Rehabilitation.

Very truly yours,

RICHARD P. BRINKER, Clerk

By:

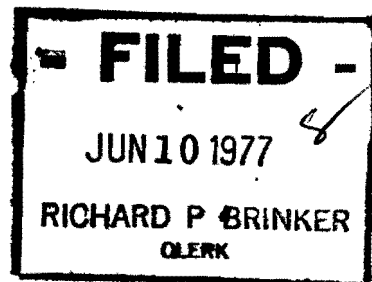
*Helen D. Garrett*

Deputy Clerk

Encl: (1)

CIR/CT/CRI 146A

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



THE STATE OF FLORIDA

VS. #70-8883

HECTOR CORNILLOT LLANO

ORDER OF INSOLVENCY AND  
APPOINTMENT OF COUNSEL

IT APPEARING UNTO THE COURT that the Defendant,  
HECTOR CORNILLOT LLANO is an indigent person  
and the Court being otherwise fully advised in the premises, it  
is therefore

CONSIDERED, ORDERED AND ADJUDGED that the  
Defendant is insolvent for the purpose of Appeal, and it is  
further ORDERED AND ADJUDGED that NICK CAPUANO, Attorney  
at Law, 19 West Flagler Street, Miami, Florida be appointed

to represent the Defendant in the Appellate proceedings.

DONE AND ORDERED in Open Court at Miami, Dade  
County, Florida, this the 10th day of JUNE A.D. 19 77.

  
ALAN R. SCHWARTZ JUDGE

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

STATE OF FLORIDA,

CASE NO. 70-8883

Plaintiff (~~XX~~),

vs.

HECTOR CORNILLOT LLANO,

Defendant (~~XX~~).

NOTICE OF HEARING

SPECIAL APPOINTMENT

TO: Hon. Richard E. Gerstein,  
State Attorney,  
c/o Edward O'Donnell,  
Asst. State Attorney  
1351 N.W. 12th Street  
Miami, Florida

FILED FOR RECORD  
77 JUN 1 PM 2 07  
RICHARD E. GERSTEIN  
CLERK, CIRCUIT & COUNTY CTS.  
DADE COUNTY, FLA.  
03

YOU ARE HEREBY NOTIFIED that the undersigned will  
MOTION FOR NEW TRIAL AND/OR  
call up for hearing, MOTION FOR ARREST OF JUDGMENT

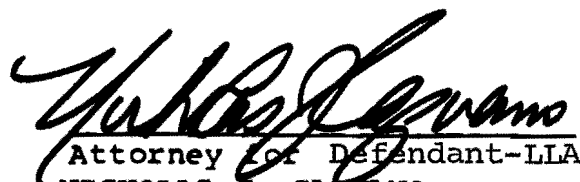
before the Honorable Alan R. Schwartz , one of the Judges  
of the above-styled Court, in Chambers, at the Metro Justice Bldg.,  
~~XXXXXX XXXX XXXX~~ on Friday , the 10th day of June,  
19 77 , at 9:00 o'clock A.M., or as soon thereafter as  
the same may be heard.

PLEASE GOVERN YOURSELF ACCORDINGLY.



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

The undersigned hereby certifies that a true copy of  
the above and foregoing Notice of Hearing was mailed ~~XXXXXX~~  
~~XXXXXX XXXX~~ to the above addressee (~~XX~~), this 1st day of June  
19 77 .



Attorney for Defendant-LLANO  
NICHOLAS J. CAPUANO

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

CASE #70-8883

STATE OF FLORIDA, :

vs. :

HECTOR CORNILLOT LLANO, :

Defendant. :

\_\_\_\_\_ :

MOTION FOR NEW TRIAL AND/OR  
MOTION FOR ARREST OF JUDGMENT

RECEIVED  
JUN -1 PM 2 09  
DADE COUNTY, FLA.  
03

FILED FOR RECORD

Comes now the defendant, HECTOR CORNILLOT LLANO, by

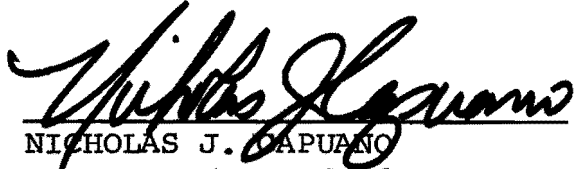
and through his Court appointed attorney, and files this his  
Motion For New Trial and/or Motion For Arrest Of Judgment on the  
following grounds:

1. That the finding of the Court is contrary to  
the law.
2. That the finding of the Court is contrary to the  
weight of evidence.
3. That the finding of the Court is contrary to the  
law and/or the weight of evidence.
4. That the defendant was convicted of an offense  
for which he could not be convicted under the information under  
which he was tried.
5. That the evidence to support the finding of the  
Court was insufficient as a matter of law to support it.
6. That the aiding and abetting theory was never  
advanced by the State in the State's response to the defendant's  
Motion For Statement Of Particulars filed by the defendant on  
November 18, 1971, nor was the aiding and abetting theory under  
Florida Statute 777.011 advanced by the State at the time of trial.

WHEREFORE, the defendant respectfully prays that the  
Court grant unto him a new trial and/or arrest of judgment and/or




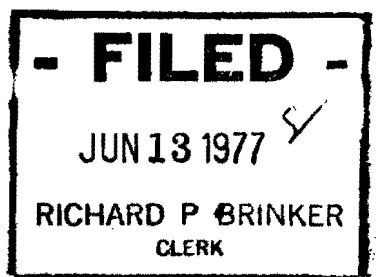
in the alternative vacate the adjudication and sentence and enter a finding of not guilty.

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Motion For New Trial and/or Motion For Arrest Of Judgment was mailed to the Honorable RICHARD E. GERSTEIN, State Attorney, care of Edward O'Donnell, Assistant State Attorney, 1351 N. W. 12th Street, Miami, Florida, this 1st day of June, 1977.

  
NICHOLAS J. CAPUANO  
Attorney for Defendant - LLANO



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

CASE #70-8883

STATE OF FLORIDA,	:	
vs.	:	ORDER DENYING MOTION FOR
	:	<u>NEW TRIAL</u>
HECTOR CORNILLOT LLANO,	:	
Defendant.	:	
_____	:	

The defendant's Motion For New Trial and/or  
Motion For Arrest Of Judgment was heard and considered today  
in Open Court.

The Motion For New Trial and/or Motion For Arrest  
Of Judgment be and the same are hereby denied.

ORDERED AND ADJUDGED in Chambers, at Miami, Dade  
County, Florida, this 13 day of June, 1977.

  
\_\_\_\_\_  
Circuit Judge

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


CASE NO. 70-8883

STATE OF FLORIDA, :  
Plaintiff, :  
vs. : DESIGNATION TO REPORTER  
HECTOR CORNILLLOT LLANO, :  
Defendant. :  
\_\_\_\_\_ :

FILED  
CLERK OF DISTRICT COURT  
DADE COUNTY, FLA.  
03  
JUN 24 AM 8 30

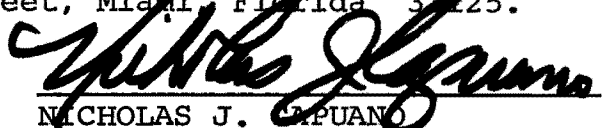
TO: MARGERY L. MASSIE (The Reporter by whom the proceedings at the Hearing in the above-entitled cause were stenographically reported).

YOU WILL PLEASE prepare and certify to the Clerk of the above-styled Court, (to be transmitted to the District Court of Appeal, Third District of Florida) pursuant to Rule 6.8 Florida Appellate Rules, a transcript by which all of the proceedings at the April 14, 1977 hearing before the HONORABLE ALAN R. SCHWARTZ in the above-entitled cause shall be reflected and evidenced. Omit no part of such proceedings from the transcript.

  
NICHOLAS J. CAPUANO  
Attorney for Defendant-  
Appellant  
19 W. Flagler Street - 701  
Miami, Florida 33130  
373-2652

CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that on the 24 day of June, 1977, a true copy of the above and foregoing Designation To Reporter was mailed to MARGERY L. MASSIE, Friedman & Lombardi, 521 Biscayne Building, Miami, Florida 33130 and RICHARD E. GERSTEIN, State Attorney, 1351 N. W. 12 Street, Miami, Florida 33225.

  
NICHOLAS J. CAPUANO

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

CASE NO. 70-8883

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

DESIGNATION TO REPORTER

FILED  
CLERK OF DISTRICT COURT  
DADE COUNTY, FLA.  
03

JUN 24 AM 8 30

TO: MARY L. ANTOINE (The Reporter by whom the proceedings at the Hearings in the above-entitled cause were stenographically reported).

YOU WILL PLEASE prepare and certify to the Clerk of the above-styled Court, (to be transmitted to the District Court of Appeal, Third District of Florida) pursuant to Rule 6.8 Florida Appellate Rules, a transcript by which all of the proceedings at the May 31, 1977 trial in the above-entitled cause shall be reflected and evidenced. Omit no part of such proceedings from the transcript.



NICHOLAS J. CAPUANO  
Attorney for Defendant - Appellant  
19 W. Flagler Street - 701  
Miami, Florida 33130  
373-2652

CERTIFICATE OF SERVICE

THE UNDERSIGNED hereby certifies that on the 24 day of June, 1977, a true copy of the above and foregoing Designation To Reporter was mailed to MARY L. ANTOINE, Friedman & Lombardi, 521 Biscayne Building, Miami, Florida 33130 and RICHARD E. GERSTEIN, State Attorney, 1351 N. W. 12 Street, Miami, Florida 33125.



NICHOLAS J. CAPUANO

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

CASE #70-8883

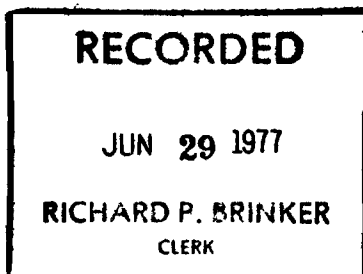
CLERK OF CIRCUIT COURT  
DADE COUNTY, FLA.  
03

JUN 24 AM 6 29

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

The defendant, HECTOR CORNILLOT LLANO, by and through his undersigned Court appointed attorney, hereby takes and hereby enters and gives notice of his appeal to the District Court of Appeal, for the Third District of Florida, to review that certain judgment and sentence entered in the above styled cause by the Circuit Court Of The Eleventh Judicial Circuit, In and For Dade County, Florida, dated May 31, 1977 and recorded June 3, 1977, in Official Records Book 9698, at Page 1121, and that certain Order entered June 13, 1977 (in and by which his Motion For New Trial and/or Motion For Arrest Of Judgment was denied).

All interested parties to this cause are called on to take notice of the taking of such appeal.



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

24 The undersigned attorney hereby certifies that on the day of June, 1977, the original and two copies of the above and foregoing Notice Of Appeal was hand delivered to the Clerk of the Circuit Court, 1351 N. W. 12th Street, Miami, Florida 33125 and that on the same date a true and correct copy of the foregoing Notice of Appeal was mailed to the Honorable Richard E. Gerstein, State Attorney, 1351 N. W. 12th Street, Miami, Florida 33125.

NICHOLAS J. CAPUANO

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


CASE NO. 70-8883

STATE OF FLORIDA, :  
Plaintiff, :  
vs. : ASSIGNMENTS OF ERROR  
HECTOR CORNILLLOT LLANO, :  
Defendant. :  
\_\_\_\_\_ :

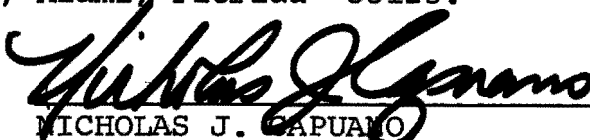
JUN 24 AM 8 30  
CIRCUIT CLERK  
DADE COUNTY FLA.  
03

THE DEFENDANT-APPELLANT, HECTOR CORNILLLOT LLANO, assigns,  
as the errors on which he intends to rely for a reversal of the  
Judgment and Sentence from which he has appealed, the following:

1. The Court erred in entering its Judgment and Sentence  
of May 31, 1977.
2. The Court erred in denying the defendant's Motion  
For New Trial and/or defendant's Motion For Arrest Of Judgment  
on June 13, 1977.
3. The Court erred in denying the defendant due process.

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

I HEREBY CERTIFY that on this 24 day of June, 1977  
a true and correct copy of the foregoing Assignments Of Error  
was mailed to RICHARD E. GERSTEIN, State Attorney, Metro Justice  
Building, 1351 N. W. 12th Street, Miami, Florida 33125.

  
NICHOLAS J. CAPUANO

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

CASE #70-8883

STATE OF FLORIDA, :

vs. :

HECTOR CORNILLOT LLANO, :

Defendant. :

\_\_\_\_\_ :

DIRECTIONS TO CLERK

JUN 24 AM 11 30  
CLERK OF THE CIRCUIT COURT  
DADE COUNTY, FLA.  
03

The Clerk of the above styled Court is directed to make up the Record on Appeal (to be transmitted to the District Court of Appeal, Third District of Florida), pursuant to Rule 6.7 and 6.9 Florida Appellate Rules, and pursuant to and in accordance with the following directions:

1. Include in such record the original or a true copy of the information filed October 14, 1970.

2. Include in such record the Order Vacating Judgment of Conviction and Sentence dated April 5, 1977 and recorded April 26, 1977, in Official Records Book 9661, at Page 273.

3. Include in such record the Judgment and Sentence dated May 31, 1977, Nunc Pro Tunc: May 5, 1972, filed June 3, 1977, and recorded in Official Records Book 9698, at Page 1121.

4. Include in such record the reporter's Transcript of Proceedings at the April 14, 1977 hearing.

5. Include in such record the reporter's Transcript of Proceedings at the May 31, 1977 trial.

6. Include in such record the defendant's Designation to Reporter Margery L. Massie, filed June 24, 1977.

7. Include in such record the defendant's Designation to Reporter Mary L. Antoine, filed June 24, 1977.

•8. Include in such record the defendant's Motion For New Trial and/or Motion For Arrest Of Judgment, dated and filed June 1, 1977.

•9. Include in such record the Order denying the defendant's Motion For New Trial dated June 13, 1977.

•10. Include in such record the report of the polygraph examination of the defendant dated March 10, 1977, made by George B. Slattery, file #77-63 (\$), and marked "defendant's Exhibit "A."

•11. Include in such record deposition of Richard Castillo, filed January 24, 1972.

•12. Include in such record Motion For Statement of Particulars filed November 18, 1971.

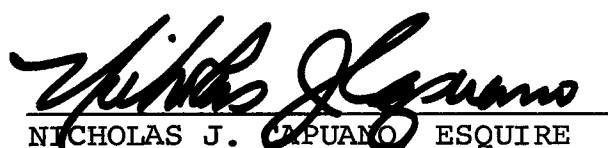
•13. Include in such record Response to Discovery Motions filed December 3, 1971.

•14. Include in such record the original or a true copy of the defendant's Notice of Appeal filed June 24, 1977.

•15. Include in such record the defendant's Assignments of Error filed June 24, 1977.

•16. Include in such record these Directions.

17. Prepare a topical index reflecting the contents of the record by proper title and page.

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

24 The undersigned attorney hereby certifies that on the day of June, 1977 a true and correct copy of the above and foregoing Directions To Clerk was mailed to the Honorable RICHARD E. GERSTEIN, State Attorney, 1351 N. W. 12th Street, Miami, Florida 33125.

  
NICHOLAS J. CAPUANO



Richard P. Brinker

CLERK

CIRCUIT AND COUNTY COURTS

Dade County Courthouse

June 27, 1977

CIRCUIT COURT  
Criminal Division

MIAMI, FLORIDA 33130

P. O. BOX 1031

358-9080



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

Judge Alan R. Schwartz

Dear Sir:

Enclosed please find certified copy of the Notice of Appeal filed on  
June 24, 1977 in the above referenced cause, together with  
certified copy of order adjudging defendant insolvent.

Convicted of Unlawful Throwing, Placing Or Discharging A Bomb.

The defendant is currently incarcerated in the custody of the Dept. of  
Offender Rehabilitation.

Very truly yours,

RICHARD P. BRINKER, Clerk

By:

*Helen D. Barnett*

Deputy Clerk

Encl: (2)

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

CASE #70-8883

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

MOTION TO EXTEND TIME  
FOR FILING BRIEF

NOTED  
CLERK, JUDGE & COUNTY CTS.  
DADE COUNTY, FLA.  
JUL 6 AM 9 46

FILED FOR RECORD  
JUL 6 AM 9 46

COMES NOW the defendant, HECTOR CORNILLLOT LLANO, by and through his Court appointed attorney, and moves this Court to extend the time for filing his brief pursuant to and by virtue of Florida Appellate Rule 3.7(d) and to extend the time for the doing of the other acts which will bear a time relation to it, for the reasons and upon the following grounds:

1. That on the 24th day of June, 1977 a Notice Of Appeal, Directions To Clerk, Directions To Reporter and Assignments Of Error were filed in the above styled cause to review that certain Judgment and Sentence entered herein on May 31, 1977.

2. That the Record on Appeal is due August 3, 1977 and that the defendant's brief would be due September 2, 1977.

3. That at the time of the filing of the above mentioned appeal, the undersigned attorney had made extensive vacation plans anticipating leaving on Sunday, June 26, 1977 and returning August 1, 1977.

4. That the undersigned attorney represents one FREDERICK JOHN HELGREN, charged with second degree murder. On June 21, 1977 the State filed a Motion To Revoke Defendant's Bail, which motion was heard on the 24th day of June, 1977 two days prior to the undersigned attorney leaving for his vacation.

5. That the Trial Judge at the hearing on the State's Motion To Revoke Defendant's Bail ordered his immediate incarceration, and because of such incarceration the undersigned attorney was compelled to cancel and did cancel his heretofore planned vacation, and at the request of the undersigned attorney reset the second degree murder trial for June 30, 1977.

6. The undersigned attorney now has made extensive plans again, to begin his vacation on July 17, 1977 and return to his office on August 22, 1977, which would afford the undersigned attorney approximately 10 days within which to prepare and file the defendant's brief, which as heretofore stated is due on September 2, 1977.

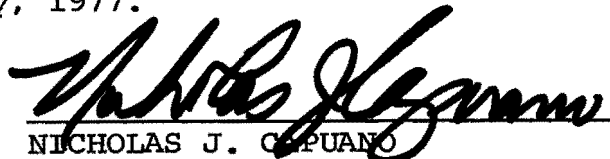
WHEREFORE and by reason of the foregoing the defendant by and through his undersigned attorney respectfully moves this Court to extend the time for filing of his brief for 30 days, from September 2, 1977 to October 3, 1977, and for such other and further relief to which he may be entitled.



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Motion To Extend Time For Filing Brief was mailed to Honorable RICHARD E. GERSTEIN, State Attorney, 1351 N. W. 12th Street, Miami, Florida, this 5th day of July, 1977.



NICHOLAS J. CAPUANO

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

CASE #70-8883

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

ORDER EXTENDING TIME FOR  
FILING BRIEF

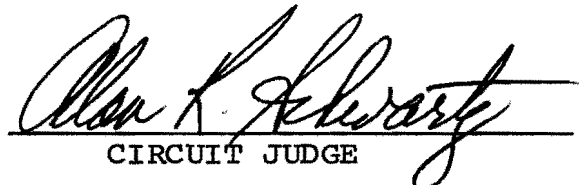
cc to DCA  
JUL -8 AM 9 46  
111 PM 1977

The Court has read and considered the Motion of NICHOLAS J. CAPUANO, Court appointed attorney for HECTOR CORNILLOT LLANO, and being duly advised in the premises, it is upon consideration thereof,

ORDERED AND ADJUDGED as follows:

1. That the defendant's Motion To Extend Time For Filing Brief is granted.
2. That the time within which to file his brief be and it is hereby extended 30 days, from September 2, 1977 up to and including October 3, 1977.
3. That the Clerk of this Court be, and he is hereby directed and authorized to transmit to the Clerk of the District Court of Appeal, Third District, a certified copy of this Order within five days after it is entered to be filed in Appeal Case No.

DONE AND ORDERED at Miami, Dade County, Florida, this  
6 day of July, 1977.

  
CIRCUIT JUDGE

INSTITUTION U.C.T. CELL NUMBER 65/215

NAME HECTOR LLANO NUMBER A034883

JOB ASSIGNMENT DENTAL LAB DATE OCT 5, 1977.

DEAR MR. CAPUANO:

I'VE RECEIVED YOUR LETTER, THE MOTION TO CORRECT WORDING OF JUDGEMENT AND SENTENCE, THE COPY OF THE NOTICE OF HEARING, AND THE COPY OF THE BRIEF YOU HAVE FILED IN MY BEHALF.

YOUR BRIEF'S LEGAL RHETORIC IS VERY CONVINCING, OBVIOUSLY WELL RESEARCHED AND WELL TYPED. WE ALSO KNOW IT TO BE MERITORIOUS. HOWEVER, IT IS MY EXPERIENCE, AS A VICTIM OF OVERT VIOLATIONS OF CONSTITUTIONAL AND HUMAN RIGHTS BY THE TRIAL AND APPELLATE COURTS OF FLORIDA, THAT IN THIS STATE THE JUDICIAL SYSTEM, JUSTICE AND LAW ARE IN CONFLICT, AND THAT CANDOR AND STRAIGHT FORWARDNESS ARE MOCKED AND FEARED AND LEGAL ERRORS PERPETUATED AND ASCERTAINED. AS YOU CAN GATHER, I BELIEVE THAT MY CONVICTION WILL BE AFFIRMED AS IT WAS BEFORE. I HAVE NO HOPE IN FLORIDA'S JUDICIAL SYSTEM. NEVERTHELESS, I COMMEND YOU (BIG DEAL, HUGH) FOR THE INTEREST YOU HAVE TAKEN IN ME THAT CANNOT PROPERLY REWARD YOU.

AS FAR AS THE MOTION TO CORRECT SENTENCE, OR RATHER, WORDING OF SENTENCE, IS CONCERNED I FEEL THAT I MUST'VE MISLED YOU IN MY LETTER OF 9/28/77. BECAUSE YOUR MOTION IS NOT IN ACCORDANCE WITH WHAT I NEED. YOU SEE, THE "CATCH" IS IN THE WORDS: "NUN PRO TUNE MAY 5, 72". THESE WORDS ARE WHAT I WISH TO HAVE STRIKEN OR CHANGED FROM THE SENTENCING ORDER. I WISH THAT HON. SCHWARTZ WOULD NOT MAKE MY SENTENCE "NUN PRO TUNE" TO MAY 5, 1972. I WISH THAT HE WOULD GIVE ME CREDIT FOR ALL TIME SPENT IN FLORIDA (WHICH HE HAS) BUT THAT THE SENTENCE NOT BE MADE "NUN PRO TUNE" BUT THAT IT BE CORRECTED "TO BEGIN IN MAY OF 77. WITH CREDIT FOR ALL

INSTITUTION \_\_\_\_\_ CELL NUMBER \_\_\_\_\_

NAME \_\_\_\_\_ NUMBER \_\_\_\_\_

JOB ASSIGNMENT \_\_\_\_\_ DATE \_\_\_\_\_

time served.

It seems that there is a technicality there, or so, the Record Officers in Tallahassee told Mr. Mor-dente, by which they CAN take gain time for the escape if the sentence is Nun Pro June, but they CAN NOT take it if it were not.

Perhaps you would be so kind as to intercede with Hon Schwartz again on this matter and please explain him that my incoherence was responsible for this inconvenience.

Thanks once more for your concern

Sincerely;

Hector

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

STATE OF FLORIDA,

CASE NO. 70-8883

Plaintiff ~~XXX~~,

vs.

HECTOR CORNILLLOT LLANO,

Defendant ~~XXX~~.

NOTICE OF HEARING

TO: Hon. RICHARD E. GERSTEIN,  
State Attorney  
1351 N. W. 12th Street  
Miami, Florida


RICHARD E. BRINKER  
CLERK, CIRCUIT & COUNTY CTS.  
DADE COUNTY, FLA.  
03

77 OCT 14 AM 9 05

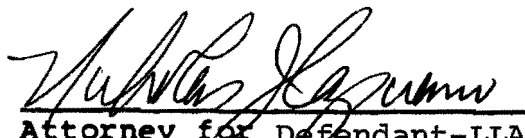
FILED FOR RECORD

YOU ARE HEREBY NOTIFIED that the undersigned will  
RE-MOTION TO CORRECT WORDING  
call up for hearing, OF JUDGMENT AND SENTENCE  
before the Honorable Alan R. Schwartz , one of the Judges  
of the above-styled Court, in Chambers, at the Metro Justice Bldg.,  
~~XXXXXXXXXXXXXXXXXXXX~~ on Wednesday , the 19th day of October,  
19 77 , at 9:00 o'clock A. M., or as soon thereafter as  
the same may be heard.

PLEASE GOVERN YOURSELF ACCORDINGLY.

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

The undersigned hereby certifies that a true copy of  
the above and foregoing Notice of Hearing was mailed ~~XXXXXXXX~~  
~~XXXXXXXXXX~~ to the above addressee ~~XXX~~, this 13th day of October,  
19 77 .

  
Attorney for Defendant-LLANO  
NICHOLAS J. CAPUANO

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

CASE NO. 70-8883

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

RE-MOTION TO CORRECT WORDING  
OF JUDGMENT AND SENTENCE

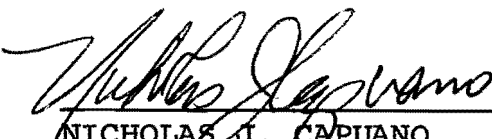
FILED FOR RECORD  
77 OCT 14 AM 9 05  
CLERK OF COURT  
DADE COUNTY FLA.  
NICKEL

COMES NOW the Defendant, HECTOR CORNILLOT LLANO, by and through his Court appointed attorney, and moves the Court to strike those certain provisions in the words and figures of the sentence entered on May 31, 1977 NUNC PRO TUNC: May 5, 1972, as follows:

"It is further considered, ordered and adjudged that you be imprisoned by confinement at hard labor in the State Penitentiary for a term of Ten (10) years, credit to be given you for time served in the Dade County Jail prior to sentencing, to-wit: Two Hundred Seven (207) days."

In lieu of such stricken provisions the Defendant respectfully prays, pursuant to and in accordance with his letter dated October 5, 1977, a copy of which is attached hereto and made a part hereof, by reference thereto, that such sentence be corrected to read as follows:

"It is further considered, ordered and adjudged that you be in prison in the State Penitentiary for a term of Ten (10) years, with credit for all time served in the State of Florida, prior to sentencing.  
Done and Ordered in open court at Miami, Dade County, Florida, this 31st day of May, A.D., 1977.

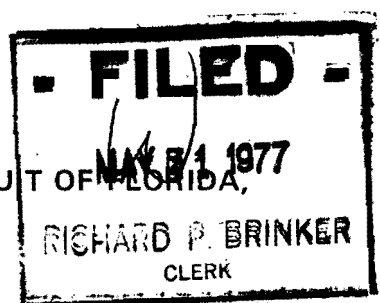
  
NICHOLAS J. CAPUANO  
Attorney for Defendant - LLANO  
19 West Flagler Street  
701 Biscayne Building  
Miami, Florida 33130  
373-2652



I HEREBY CERTIFY that a true and correct copy of the above and foregoing was this 13th day of October, 1977 mailed to Hon. RICHARD E. GERSTEIN, State Attorney, 1351 N. W. 12th Street, Miami, Florida.

  
\_\_\_\_\_  
NICHOLAS J. CAPUANO

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



EXCERPT OF PROCEEDINGS OF \_\_\_\_\_ MAY 31 \_\_\_\_\_, 19 77

BEFORE THE HONORABLE JUDGE \_\_\_\_\_ ALAN R. SCHWARTZ

STATE OF FLORIDA \_\_\_\_\_

vs. No. 70-8883

HECTOR CORNILLOT LLANO

Assistant State Attorney \_\_\_\_\_ E. O'DONNELL

Counsel for the Defendant \_\_\_\_\_ D. CAPUANO

Official Court Reporter \_\_\_\_\_ M. ANTOINE

The Court declared the law effective JULY 1, 1975, requiring the fingerprints of the Defendant to be affixed to Judgments, to be unconstitutional insofar as it pertained to the role of the Judge in certifying the fingerprints, and directed the Clerk not to obtain the fingerprints of the Defendant in the Court Room, following the entry of a Judgment of Guilt in this cause, and stated that the Court would not certify that any fingerprints which might be taken were in fact those of the Defendant.

The Court authorized and permitted the Sheriff to take the Defendant's fingerprints outside the Court's presence and to make any appropriate certification as to their identity.

I HEREBY CERTIFY that the foregoing is a true and correct excerpt of the Clerk's minutes of the proceedings in the above cause as shown by books and records in my office.  
WITNESS MY HAND AND THE SEAL OF THIS COURT at Miami, Dade County, Florida,  
this 31st day of MAY 1977

OFF REC 9698 PG 1122



RICHARD P. BRINKER, Clerk

*[Signature]*  
Deputy Clerk

*[Handwritten initials]*

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

T OF F  
**FILED -**  
 MAY 31 1977  
 RICHARD P. BRINKER  
 CLERK

CHARGE, UNLAWFUL THROWING, PLACING OR DISCHARGING Case No. 70-8883  
A BOMB

It appearing unto this Court that you .

have been regularly tried and convicted of prearranged marriages.

IT IS THEREFORE THE JUDGMENT of the law and it is hereby adjudged that you are and stand convicted of the offense as above set forth.

## SENTENCE

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that you be imprisoned by confinement at hard labor in the STATE PENITENTIARY for a term of TEN (10) YEARS, credit to be given you for time served in the Dade County Jail prior to sentencing, to-wit: TWO HUNDRED SEVEN (207) DAYS.

RECORDED
JUN 3 1977
RICHARD P. BRINKER
CLERK

IT IS FURTHER ORDERED that costs in this cause shall be taxed in  
accordance with the law.

DONE AND ORDERED in open Court at Miami, Dade County, Florida, this 31st  
day of MAY A. D. 19 77

NUNC PRO TUNC: MAY 5, 1972

  
ALAN R. SCHWARTZ Judge

OFF 9698 PG 1121