Appendix A

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

December 12, 2024

TORRIS BERNARD HILL, Appellant(s) v. STATE OF FLORIDA, Appellee(s).	**CASE NO. - 4D2024-1858** L.T. No. - 432003CF001639A

BY ORDER OF THE COURT:

ORDERED that on October 24, 2024, this Court ordered Appellant to show cause why sanctions should not be imposed. Having considered Appellant's response, we determine that sanctions are appropriate. For the reasons set forth in the order to show cause, we now impose sanctions pursuant to *State v. Spencer*, 751 So. 2d 47 (Fla. 1999).

The Clerk of this Court is directed to no longer accept any paper filed by Torris Bernard Hill unless the document has been reviewed and signed by a member in good standing of the Florida Bar who certifies that a good faith basis exists for each claim presented.

Served:
Crim App WPB Attorney General
Torris Bernard Hill *W*

SF

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.

4D2024-1858 Lonn Weissblum
LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2024-1858 December 12, 2024

Appendix A

Appendix B

Appendix C

Supreme Court of Florida

TUESDAY, MARCH 25, 2025

Torris Bernard Hill,
Petitioner(s)
v.
State of Florida,
Respondent(s)

SC2025-0035
Lower Tribunal No(s).:
4D2024-1858;
432003CF001639CFAXMX

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution, and the Court having determined that it should decline to accept jurisdiction, it is ordered that the petition for review is denied.

No motion for rehearing will be entertained by the Court. *See* Fla. R. App. P. 9.330(d)(2).

MUÑIZ, C.J., and CANADY, COURIEL, GROSSHANS, and SASSO, JJ., concur.

A True Copy
Test:

SC2025-0035 3/25/2025
John A. Tomasino
Clerk, Supreme Court
SC2025-0035 3/25/2025

KS
Served:

Appendix C

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They're not true.

MS. DENTON: And Judge, if I can respond because I'm very concerned that the court may have the wrong impression as to why I did not seek habitualization. It had nothing to do with this defendant. My problem was my fingerprint expert, who is here, cannot -- the fingerprints that we had were old and she could not read them so she could not testify that this was, in fact, the defendant. And it's come to my attention that the files had been destroyed. That, Your Honor, is the only reason I did not seek habitualization on him. So I don't want the court to be left with the impression that the State was trying -- is trying to cover something up or hiding something. It was a legal reason that I could not prove that he was, in fact, who those certified copies of convictions were. I went to the point of looking to see who the defense attorneys were in each case. In each case the defense attorney, unfortunately, was deceased. I believe the majority of them were Kent -- Kent Matthews. I went and tried to get jail records. I tried everything in my ability and we were working on the jail records to give him sentences as an HO, but it was -- it's not legally possible. This was my other alternative. I figured I could get six -- thirty years on it which is better than fifteen.

MR. RUBIN: Judge, just one last thing, I'm sorry. Depositions were taken January 3rd, 2005.

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defendant was insane at the time of the offense, except when the consumption, injection, or use of a controlled substance under chapter 893 was pursuant to a lawful prescription issued to the defendant by a practitioner as defined in s. 893.02.

History.—s. 1, ch. 99-174.

775.08 Classes and definitions of offenses.—When used in the laws of this state:

(1) The term "felony" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or imprisonment in a state penitentiary. "State penitentiary" shall include state correctional facilities. A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds 1 year.

(2) The term "misdemeanor" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by a term of imprisonment in a county correctional facility, except an extended term, not in excess of 1 year. The term "misdemeanor" shall not mean a conviction for any noncriminal traffic violation of any provision of chapter 316 or any municipal or county ordinance.

(3) The term "noncriminal violation" shall mean any offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by no other penalty than a fine, forfeiture, or other civil penalty. A noncriminal violation does not constitute a crime, and conviction for a noncriminal violation shall not give rise to any legal disability based on a criminal offense. The term "noncriminal violation" shall not mean any conviction for any violation of any municipal or county ordinance. Nothing contained in this code shall repeal or change the penalty for a violation of any municipal or county ordinance.

(4) The term "crime" shall mean a felony or misdemeanor.

History.—s. 1(11), ch. 1637, 1868; RS 2352; GS 3176; RGS 5006; CGL 7105; s. 1, ch. 71-136; s. 4, ch. 74-383; s. 1, ch. 75-298; s. 1, ch. 88-196.

775.081 Classifications of felonies and misdemeanors.—

(1) Felonies are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

(a) Capital felony;
(b) Life felony;
(c) Felony of the first degree;
(d) Felony of the second degree; and
(e) Felony of the third degree.

A capital felony and a life felony must be so designated by statute. Other felonies are of the particular degree designated by statute. Any crime declared by statute to be a felony without specification of degree is of the third degree, except that this provision shall not affect felonies punishable by life imprisonment for the first offense.

(2) Misdemeanors are classified, for the purpose of sentence and for any other purpose specifically provided by statute, into the following categories:

(a) Misdemeanor of the first degree; and
(b) Misdemeanor of the second degree.

A misdemeanor is of the particular degree designated by statute. Any crime declared by statute to be a misdemeanor without specification of degree is of the second degree.

(3) This section is supplemental to, and is not to be construed to alter, the law of this state establishing and governing criminal offenses that are divided into degrees by virtue of distinctive elements comprising such offenses, regardless of whether such law is established by constitutional provision, statute, court rule, or court decision.

History.—s. 2, ch. 71-136; s. 1, ch. 72-724.

775.082 Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.—

(1) A person who has been convicted of a capital felony shall be punished by death if the proceeding held to determine sentence according to the procedure set forth in s. 921.141 results in findings by the court that such person shall be punished by death, otherwise such person shall be punished by life imprisonment and shall be ineligible for parole.

(2) In the event the death penalty in a capital felony is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death for a capital felony shall cause such person to be brought before the court, and the court shall sentence such person to life imprisonment as provided in subsection (1). No sentence of death shall be reduced as a result of a determination that a method of execution is held to be unconstitutional under the State Constitution or the Constitution of the United States.

(3) A person who has been convicted of any other designated felony may be punished as follows:

(a)1. For a life felony committed prior to October 1, 1983, by a term of imprisonment for life or for a term of years not less than 30.

2. For a life felony committed on or after October 1, 1983, by a term of imprisonment for life or by a term of imprisonment not exceeding 40 years.

3. For a life felony committed on or after July 1, 1995, by a term of imprisonment for life or by imprisonment for a term of years not exceeding life imprisonment.

(b) For a felony of the first degree, by a term of imprisonment not exceeding 30 years or, when specifically provided by statute, by imprisonment for a term of years not exceeding life imprisonment.

(c) For a felony of the second degree, by a term of imprisonment not exceeding 15 years.

(d) For a felony of the third degree, by a term of imprisonment not exceeding 5 years.

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(a) For a misdemeanor of the first degree, by a definite term of imprisonment not exceeding 1 year;

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

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(5) Any person who has been convicted of a noncriminal violation may not be sentenced to a term of imprisonment nor to any other punishment more severe than a fine, forfeiture, or other civil penalty, except as provided in chapter 316 or by ordinance of any city or county.

(6) Nothing in this section shall be construed to alter the operation of any statute of this state authorizing a trial court, in its discretion, to impose a sentence of imprisonment for an indeterminate period within minimum and maximum limits as provided by law, except as provided in subsection (1).

(7) This section does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence.

(8)(a) The sentencing guidelines that were effective October 1, 1983, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1983, and before January 1, 1994, and to all felonies, except capital felonies and life felonies, committed before October 1, 1983, when the defendant affirmatively selects to be sentenced pursuant to such provisions.

(b) The 1994 sentencing guidelines, that were effective January 1, 1994, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after January 1, 1994, and before October 1, 1995.

(c) The 1995 sentencing guidelines that were effective October 1, 1995, and any revisions thereto, apply to all felonies, except capital felonies, committed on or after October 1, 1995, and before October 1, 1998.

(d) The Criminal Punishment Code applies to all felonies, except capital felonies, committed on or after October 1, 1998. Any revision to the Criminal Punishment Code applies to sentencing for all felonies, except capital felonies, committed on or after the effective date of the revision.

(e) Felonies, except capital felonies, with continuing dates of enterprise shall be sentenced under the sentencing guidelines or the Criminal Punishment Code in effect on the beginning date of the criminal activity.

(9)(a)1. "Prison releasee reoffender" means any defendant who commits, or attempts to commit:

a. Treason;
b. Murder;
c. Manslaughter;
d. Sexual battery;
e. Carjacking;
f. Home-invasion robbery;
g. Robbery;
h. Arson;
i. Kidnapping;
j. Aggravated assault with a deadly weapon;
k. Aggravated battery;
l. Aggravated stalking;
m. Aircraft piracy;
n. Unlawful throwing, placing, or discharging of a destructive device or bomb;
o. Any felony that involves the use or threat of physical force or violence against an individual;
p. Armed burglary;
q. Burglary of a dwelling or burglary of an occupied structure; or
r. Any felony violation of s. 790.07, s. 800.04, s. 827.03, or s. 827.071;

within 3 years after being released from a state correctional facility operated by the Department of Corrections or a private vendor or within 3 years after being released from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

2. "Prison releasee reoffender" also means any defendant who commits or attempts to commit any offense listed in sub-subparagraphs (a)1.a.-r. while the defendant was serving a prison sentence or on escape status from a state correctional facility operated by the Department of Corrections or a private vendor or while the defendant was on escape status from a correctional institution of another state, the District of Columbia, the United States, any possession or territory of the United States, or any foreign jurisdiction, following incarceration for an offense for which the sentence is punishable by more than 1 year in this state.

3. If the state attorney determines that a defendant is a prison releasee reoffender as defined in subparagraph 1., the state attorney may seek to have the court sentence the defendant as a prison releasee reoffender. Upon proof from the state attorney that establishes by a preponderance of the evidence that a defendant is a prison releasee reoffender as defined in this section, such defendant is not eligible for sentencing under the sentencing guidelines and must be sentenced as follows:

a. For a felony punishable by life, by a term of imprisonment for life;
b. For a felony of the first degree, by a term of imprisonment of 30 years;
c. For a felony of the second degree, by a term of imprisonment of 15 years; and
d. For a felony of the third degree, by a term of imprisonment of 5 years.

(b) A person sentenced under paragraph (a) shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. Any person sentenced under paragraph (a) must serve 100 percent of the court-imposed sentence.

(c) Nothing in this subsection shall prevent a court from imposing a greater sentence of incarceration as authorized by law, pursuant to s. 775.084 or any other provision of law.

(d)1. It is the intent of the Legislature that offenders previously released from prison who meet the criteria in paragraph (a) be punished to the fullest extent of the law and as provided in this subsection, unless the state attorney determines that extenuating circumstances exist which preclude the just prosecu-

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tion of the offender, including whether the victim recommends that the offender not be sentenced as provided in this subsection.

2. For every case in which the offender meets the criteria in paragraph (a) and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney. On an annual basis, each state attorney shall submit copies of deviation memoranda regarding offenses committed on or after the effective date of this subsection, to the president of the Florida Prosecuting Attorneys Association, Inc. The association must maintain such information, and make such information available to the public upon request, for at least a 10-year period.

(10) The purpose of this section is to provide uniform punishment for those crimes made punishable under this section and, to this end, a reference to this section constitutes a general reference under the doctrine of incorporation by reference.

History.—s. 3, ch. 71-136; ss. 1, 2, ch. 72-118; s. 2, ch. 72-724; s. 5, ch. 74-383; s. 1, ch. 77-174; s. 1, ch. 83-87; s. 1, ch. 94-228; s. 16, ch. 95-184; s. 4, ch. 95-294; s. 2, ch. 97-239; s. 2, ch. 98-3; s. 10, ch. 98-204; s. 2, ch. 99-188; s. 3, ch. 2000-246; s. 1, ch. 2001-239; s. 2, ch. 2002-70; ss. 1, 2, ch. 2002-211.

775.0823 Violent offenses committed against law enforcement officers, correctional officers, state attorneys, assistant state attorneys, justices, or judges.—The Legislature does hereby provide for an increase and certainty of penalty for any person convicted of a violent offense against any law enforcement or correctional officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9); against any state attorney elected pursuant to s. 27.01 or assistant state attorney appointed under s. 27.181; or against any justice or judge of a court described in Art. V of the State Constitution, which offense arises out of or in the scope of the officer's duty as a law enforcement or correctional officer, the state attorney's or assistant state attorney's duty as a prosecutor or investigator, or the justice's or judge's duty as a judicial officer, as follows:

(1) For murder in the first degree as described in s. 782.04(1), if the death sentence is not imposed, a sentence of imprisonment for life without eligibility for release.

(2) For attempted murder in the first degree as described in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(3) For murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(4) For attempted murder in the second degree as described in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(5) For murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(6) For attempted murder in the third degree as described in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(7) For manslaughter as described in s. 782.07 during the commission of a crime, a sentence pursuant to s. 775.082, s. 775.083, or s. 775.084.

(8) For kidnapping as described in s. 787.01, a se
tence pursuant to s. 775.082, s. 775.083, or s. 775.08

(9) For aggravated battery as described in
784.045, a sentence pursuant to s. 775.082,
775.083, or s. 775.084.

(10) For aggravated assault as described in
784.021, a sentence pursuant to s. 775.082,
775.083, or s. 775.084.

Notwithstanding the provisions of s. 948.01, wi
respect to any person who is found to have violated th
section, adjudication of guilt or imposition of sentenc
shall not be suspended, deferred, or withheld.

History.—s. 3, ch. 89-100; s. 1, ch. 90-77; s. 16, ch. 93-406; s. 17, ch. 95-18
s. 11, ch. 97-194; s. 5, ch. 98-417; s. 3, ch. 2001-236.

775.083 Fines.—

(1) A person who has been convicted of an offens
other than a capital felony may be sentenced to pay a
fine in addition to any punishment described in s.
775.082; when specifically authorized by statute, he or
she may be sentenced to pay a fine in lieu of any pun-
ishment described in s. 775.082. A person who has
been convicted of a noncriminal violation may be sen-
tenced to pay a fine. Fines for designated crimes and
for noncriminal violations shall not exceed:

(a) $15,000, when the conviction is of a life felony.

(b) $10,000, when the conviction is of a felony of
the first or second degree.

(c) $5,000, when the conviction is of a felony of the
third degree.

(d) $1,000, when the conviction is of a misde-
meanor of the first degree.

(e) $500, when the conviction is of a misdemeanor
of the second degree or a noncriminal violation.

(f) Any higher amount equal to double the pecuni-
ary gain derived from the offense by the offender or
double the pecuniary loss suffered by the victim.

(g) Any higher amount specifically authorized by
statute.

If a defendant is unable to pay a fine, the court may
defer payment of the fine to a date certain.

(2)(a) A county may adopt an ordinance imposing,
in addition to any other fine, penalty, or cost imposed by
subsection (1) or any other provision of law, a fine upon
any person who, with respect to a charge, indictment,
or prosecution commenced in that county, pleads guilty
or nolo contendere to, or is convicted of or adjudicated
delinquent for, a felony, a misdemeanor, or a criminal
traffic offense under state law, or a violation of any
municipal or county ordinance if the violation consti-
tutes a misdemeanor under state law.

(b) The fine is $50 for a felony and $20 for any other
offense. When the defendant enters the plea or is con-
victed or adjudicated, in a court in that county, the court
may order the defendant to pay such fine if the court
finds that the defendant has the ability to pay the fine
and that the defendant would not be prevented thereby
from being rehabilitated or making restitution.

(c) The clerk of the court shall collect and deposit
the fines in an appropriate county account for disburse-
ment for the purposes provided in this subsection.

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. 96-408; s. 1810, ch. 97-102; s. 117,
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75.083 Fines.—

A person who has been convicted
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**775.0835 Fines; st
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(1) When any p
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Appendix E

Cummings, "Why do we have to go on tape? I just confessed in front of two officers. Isn't that good enough? I just told you guys I did it." And I said, "I understand, Mr. Hill, but we can tell the ladies and gentlemen of the jury all day long, but if you put it in your own words what happened and why you did it, you know, it would be better than me sitting here and telling you." He really started to get, you know, strange about it. At that time he started questioning, "Well, how are you going to prove this? How are you going to do that?" He started getting on the defensive about everything we just started telling him. "Are you going to be able to prove this? Are they going to believe this person? How is this person going to be able to say that?" And I just started getting the feeling that he was going to start retracting on everything. I put an empty tape recorder out on the desk and he didn't want anything to do with the tape recorder. He checked it a couple of times to make sure there weren't any tapes in it. So I started getting a bad feeling about the whole thing. So I went ahead and turned on a separate digital recorder that I had and just to be able to get whatever I could on tape.

Q Did you inform Mr. Hill that you were tape recording him at that point?

A No ma'am. I actually told him that I was not tape recording him.

Q Did you inform Sergeant Cummings that you were tap

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recording him at that time?

A No, I had no -- I had no time to inform Sergeant Cummings because of Mr. Hill's behavior and he was very adamant about the tape. He kept -- knowing the tape never left -- the empty tape never left the desk, knowing I never put a tape in it he still checked it several times and kept looking. And even accused me several times of taping the conversation, at which time I told him no, I wasn't. So obviously Sergeant Cummings didn't know the tape was on either.

Q And you, in fact, did tape record him?

A Absolutely.

Q Okay. And this was after he had confessed to you earlier, correct?

A Yes ma'am.

Q Let me show you what's been marked as state's 14, which is a composite. And ask you if you recognize those?

A Yes ma'am.

Q Okay. And what are they?

A These are the CDs of the digital recording I took of the second part of the conversation that I had.

Q And have you had an opportunity to listen to this?

A Yes ma'am.

Q And does it accurately reflect what occurred?

A Yes ma'am.

MS. DENTON: Judge, I'd like to play those, but I believe

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that the parties had a stipulation that we would like you to read at this time.

MR. RUBIN: Can I voir dire the witness on this first?

THE COURT: Sure. Yes sir.

VOIR DIRE EXAMINATION

BY MR. RUBIN:

Q This tape came after he refused to sign your Miranda warnings, right?

A No sir. As a matter of fact the -- I started to get a real eerie feeling about Mr. Hill and the thought that, you know, he started --

Q Yes sir. Okay. What time did you start the tape?

A Well, you'll see on the tape, the very beginning of the tape I read that exact paper to him again.

Q Have you reviewed that today? Have you reviewed the time you started the tape?

THE COURT: Mr. Rubin, I'll tell you what. Why don't you just hold that a minute. We're going to take a little recess.

MR. RUBIN: Yes sir.

THE COURT: And let the jurors have a little comfort break. The clerks needs a comfort break. And we'll be back and then we'll work beyond the normal lunch hour and I'll give you a lunch break. So let's take a little comfort break. And that'll give you time to go over some things. Then we'll come back with Detective Bergen. And while we're on the recess

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don't discuss the case with anybody other than the attorneys. And we'll take a little comfort break. Probably five, ten minutes. All right. Mr. Rubin, if you want to go over something before we bring the jurors back we'll touch on anything -- you know, anything we had that we can take up outside their presence. You can do your voir dire in their presence. Okay.

MR. RUBIN: Yes sir.

THE COURT: All right. Let's take a comfort break then.

BAILIFF: All rise.

(Court recessed and reconvened.)

BAILIFF: All rise. Court is back in session.

THE COURT: Okay. We need to bring our jurors out.

BAILIFF: Please be seated.

MR. RUBIN: Judge, what time are you going to break for lunch?

THE COURT: Well, we're going to break a little later than noon if we could.

MR. RUBIN: Okay.

THE COURT: We'll try to go to twelve thirty.

MR. RUBIN: Yes sir.

THE COURT: I've got -- my reason is I've got to do something tonight and I can't really eat anything after one o'clock. But I don't have to be there until six thirty. So -- so I'd thought I'd eat a little later.

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MS. DENTON: Judge, that would probably work out better because I think this CD is probably about forty-five minutes to an hour long. Or the two CDs.

THE COURT: Well, we're going to complete this witness.

MR. RUBIN: Okay, sir.

THE COURT: Okay. Let's bring our jurors in. I was just concerned about the jurors. Maybe they eat at a certain time or how they --

(Jurors enter the courtroom.)

THE COURT: Okay. We're getting our jurors back in. We're missing a couple of jurors. Okay. I think we got all of our jurors back comfortably seated. All right. Mr. Rubin, I think you were inquiring of the witness, correct?

MR. RUBIN: Yes sir.

BY MR. RUBIN:

Q Sir, when you turned the tape recording on, you were aware that he was -- he was not going to sign his Miranda rights, correct?

A I don't believe so, no sir.

Q You don't believe you knew that?

A No. What I'm saying is I believe that you're going to hear me read the Miranda --

Q Right.

A -- right from that piece of paper at which time he doesn't want to sign it.

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Q Okay.

A At which time he doesn't want to be on tape. He doesn't want to sign anything. Yes.

Q Okay.

A But no, when I turned on the tape I believe it was before I actually read that and at which time I asked him to sign it and he says no.

Q But you were aware at all times that the tape was on and that he did not want to sign the Miranda rights?

A Absolutely.

Q Thank you.

THE COURT: All right. Mrs. Denton.

MS. DENTON: Judge, with the court's permission if we could get you to read the stipulation.

THE COURT: Oh, the stipulation. All right. Ladies and gentlemen, the attorneys, Mr. Rubin and Mrs. Denton have stipulated to a particular provision that I'm going to read to you, that I want you to keep in mind as they play a tape. "The parties have agreed that certain portions of the tape are not admissible. These parts will not be played. You are not to speculate as to those portions that are not played." You understand that? You're not going to hear those anyhow as I understand, but they're going to -- they're going to blank that out or --

MS. DENTON: What I'm going to do --

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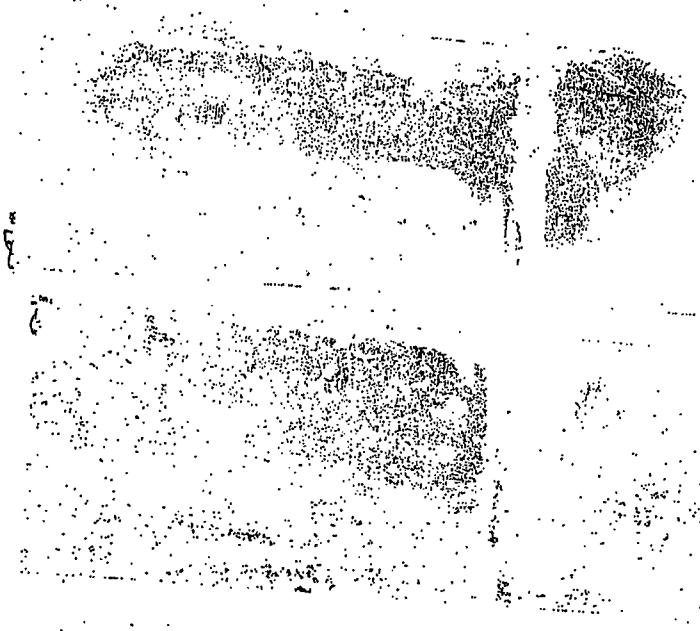
Appendix F



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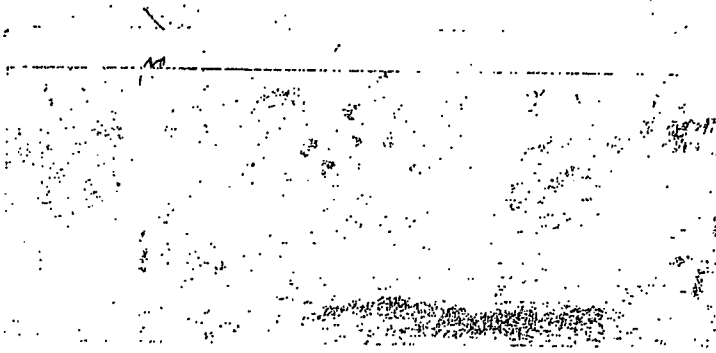

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Case No. 03-1639-CFA
STATE 19, 19
Date 5/9/05 Exhibit
MARSHA EWING, Clerk
By Celeah

Exhibit "D"
Appendix F

CIRCUIT COURT ★ MARTIN COUNTY, FLORIDA ★

A Yes, I use a magnifying glass.

Q Okay. And you examined the latent prints in this case, is that correct?

A Yes ma'am.

Q Okay. And based on your training and experience were you able to arrive at any conclusion on those fingerprints?

A Yes. That the latent fingerprint and the known print were made by the same individual.

Q Okay. And a known fingerprint that you used, who was the owner of those fingerprints?

A Torris Hill.

Q Okay. And did -- and I've been saying fingerprint, but did you compare the fingerprint or the palm print?

A This particular latent was a -- was a palm print.

Q And are there occasions when you -- you look at something, but you just can't determine who it is?

A Yes. Yes.

Q But in this case you were able, based on your training and experience to determine that it was Torris Hill?

A Yes ma'am.

MS. DENTON: Thank you.

THE COURT: Mr. Rubin.

CROSS EXAMINATION

BY MR. RUBIN:

Q Hello, ma'am. Good to see you. Ma'am, is it true

Appendix G

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA

STATE OF FLORIDA)
) Case No. 03-1639-CFA
-VS-)
)
Torris Bernard Hill)
Defendant(s))

FILED FOR RECORD
MARTIN COUNTY FLORIDA
2008 JAN 11 PM 2:29
MARSHA EWING
CLERK OF CIRCUIT COURT
BY _____ D.C.

STATE'S RESPONSE TO THE COURT'S SUPPLEMENTAL ORDER

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and responds to the Court's supplemental order.

The State can **not** attach portions of the record to its response to all of the points raised in the supplemental order and therefore requests that this Motion be set for evidentiary hearing.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by mail to Torris B. Hill, DC# 789283, Taylor Correctional Institution, 8515 Hampton Springs Road, Perry, Florida 32348 on this 11th day of January, 2008.

Respectfully submitted,
BRUCE H. COLTON, State Attorney

BY: _____
Patrick W. Gillen Jr.
Assistant State Attorney
Florida Bar No:. 142125
100 E. Ocean Blvd., Suite 400
Stuart, FL 34994
(772) 288-5646

Appendix G

Appendix H

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA

STATE OF FLORIDA

vs.

TORRIS BERNARD HILL,

Defendant.
_____/

FELONY DIVISION
CASE NO. 432003CF1639A

ORDER DENYING MOTION FOR POST-CONVICTION RELIEF AFTER HEARING

THIS CASE came before the court in chambers on the defendant's pro se motion filed on August 2, 2007 and amended motion filed on July 1, 2008, pursuant to Florida Rule of Criminal Procedure 3.850 and *Spera v. State*, 971 So.2d 754 (Fla. 2007). The court finds and determines as follows:

On April 28, 2009, a hearing was held on the remaining issues not denied by the court's order of October 15, 2008.

To warrant an evidentiary hearing when claiming ineffective assistance of counsel, the defendant must set out in his motion sufficient facts which, if proven, would establish the two prongs necessary for relief based upon ineffectiveness as outlined in *Strickland v. Washington*, 466 U.S. 688 (1984). *Nelson v. State*, 875 So. 2d 579, 583 (Fla. 2004). First, he must identify particular acts or omissions by counsel that are shown to be outside the broad range of reasonable assistance under prevailing professional standards. 466 U.S. at 690. There is a strong presumption that counsel's performance was not deficient. *Id.* at 689. Second, he must also demonstrate prejudice, that is, that a reasonable probability exists that, but for counsel's error, the result in the case would have been different. *Id.* at 694. A reasonable probability is one sufficient to undermine confidence in the outcome of the case, *id*, that is, that absent

EXHIBIT H

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counsel's errors, the fact finder would have had a reasonable doubt respecting guilt. *Bowman v. State*, 748 So. 2d 1082, 1085 (Fla. 4th DCA 2000). Thus, it is not enough for the defendant to show that the errors had only a conceivable effect on the outcome of the proceeding. 466 U.S. at 693. It is unnecessary to address both prongs if one or the other is not met. *See Atkins v. Dugger*, 541 So. 2d 1165, 1166 (Fla. 1989); *Kennedy v. State*, 547 So. 2d 912, 914 (Fla. 1989) ("A court considering a claim of ineffectiveness of counsel need not make a specific ruling on the performance component of the test when it is clear that the prejudice component is not satisfied.").

The court explicitly adopts the findings and reasoning found in the order of October 15, 2008. Despite being granted time to amend his motions without prejudice pursuant to *Spera*, the defendant has failed to do so. *See Nelson v. State,* 977 So.2d 710 (Fla. 1st DCA 2008) (holding that, after giving the defendant the one opportunity to amend required by *Spera* if no amendment is filed or if the claim is again insufficient, the claim can be denied *with prejudice*); *see also Nelson v. State,* 875 So.2d 579, 584 (Fla.2004). No further amendments shall be allowed.

Ground One is barred as previously stated. *See Smith v. State*, 445 So. 2d 323, 325 (Fla. 1983) ("Issues which either were or could have been litigated at trial and upon direct appeal are not cognizable through collateral attack.").

Grounds Two and Seven are intertwined and shall be considered as one. **In Ground Two**, the defendant claimed that counsel was ineffective for failing to move to suppress his statements which the defendant claims were made while under the influence of cocaine. He also claims police misconduct. **In Ground Seven**, the defendant claims trial counsel was ineffective for failing to "investigate" the Burger King video, and that the video would show that the defendant was arrested without being issued a warning pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966).

From the evidence adduced at the hearing, the court finds that the defendant

was clear and coherent and there were no indications to law enforcement that he was under the influence of drugs or intoxicants. One officer who has known the defendant for 22 years testified the defendant appeared normal. The defendant was asked to sign a sworn statement but refused to do so, and he engaged in mind games with the police during questioning, showing his comprehension of the situation and his attempts to manipulate it to his favor. Furthermore, the defendant demonstrated an excellent recall of the events surrounding his arrest, including specifically remembering that the law enforcement officers pointed laser lights on him upon making the arrest. In addition, the court reviewed the interview of the defendant and determined that the defendant was sharp and coherent. There is not any indication that the defendant was under the influence of drugs or intoxicants. The defendant made many claims and even at one point during the hearing implied that he was not sure that it was his voice on the recording. There is not any basis in the evidence for this belief.

The defendant further challenged the admission of his statement because law enforcement recorded him after he had indicated that he did not want to be recorded. While the defendant did indicate he did not want to be tape recorded, the tape recorder was in fact turned on by law enforcement when the defendant began to change his story. This recording of the defendant during questioning certainly is proper by law enforcement and does not make it inadmissible. In addition, the defendant asserts claims involving his not being properly given his *Miranda* warnings. Based on the evidence adduced at the hearing, the court finds the defendant was issued his *Miranda* warnings before the taped statement and the officer again went over these warnings after the tape was started. The court, subsequent to the hearing and by the agreement of the parties, reviewed the lengthy (approximately 90 minute) recorded interview of the defendant and the review of this evidence further supports the testimony at the hearing that the statement given by the defendant was made freely and voluntarily. The court,

based upon all of the evidence, concludes that the defendant was properly given his Miranda warnings and that there are not any grounds to suppress the statement given.

Based upon all of the evidence put forth at the hearing, the court finds that there is absolutely no credible evidence to support the many claims made by the defendant regarding his statement made to law enforcement being anything but freely and voluntarily made after being given his *Miranda* warnings.

The defendant asked trial counsel to charge the police with misconduct involving the arrest. Trial counsel refused to file a motion alleging police misconduct, because the defendant refused to sign an affidavit alleging police misconduct. This appears to have been a reasonable tactical decision on behalf of the attorney. There is no evidence to support any claim made by the defendant of police misconduct or any evidence that supports the good faith filing of a motion to suppress by counsel.

The court finds the defendant has failed to prove he was under the influence of drugs or intoxicating substances at the time of the police interview, or that any police misconduct occurred. Allegations that counsel was ineffective for not pursuing meritless arguments are legally insufficient to state a claim for post-conviction relief. *See Melendez v. State*, 612 So.2d 1366, 1369 (Fla.1992) (holding counsel cannot be deemed ineffective for failing to make meritless argument).

The defendant has failed to prove either prong of *Strickland* and this claim is without merit and is denied.

In **Ground Three**, the defendant claims counsel was ineffective for failing to strike Juror Robinson who allegedly stated that a prior experience affected his ability to sit as a fair and impartial juror. The defendant claims he asked counsel to strike the juror.

First: The court finds the defendant's claim that he asked counsel to strike the juror to not be credible. Based on the evidence adduced at the hearing, the court finds

that the defendant did not request trial counsel to strike this juror, and furthermore, that the defendant *refused* to participate in any form in the selection of the jury.

Second: Juror Robinson indicated he would have had problems participating in the jury that tried a separate defendant who was charged with sexual conduct with a sixteen or seventeen year old female, where Robinson was the father of a daughter who was of similar age. However, Robinson had no problem participating in defendant Hill's jury, where the crimes did not involve sex with a child. Trial counsel testified that he wanted Robinson on the jury, and the court finds he made a reasonable tactical decision to not strike him from the jury.

When raising a post-conviction claim that counsel was ineffective for failing to strike a juror for cause, a defendant is required to prove that the juror was actually biased in order to establish prejudice under *Strickland. Carratelli v. State,* 961 So.2d 312, 324 (Fla.2007). The defendant has failed to do so.

Based on the record, and the testimony and evidence adduced at the hearing, the defendant has failed to prove either prong of Strickland and this claim is without merit.

Ground Four was insufficiently pled and despite being given time to address the issue, the defendant has failed to do so. This issue is denied for the reasons indicated previously. *Jones v. State*, 709 So.2d 512, 521 (Fla. 1998).

Ground Five was insufficiently pled and despite being given time to address the issue, the defendant has failed to do so. *Ford v. State*, 815 So.2d 358, 360-61 (Fla. 2002); *Nelson v. State*, 875 So.2d 579 (Fla. 2004).

In Ground Six, the defendant claims trial counsel was ineffective for failing to object to the defendant's prior arrest record allegedly having been improperly exhibited to the jury with the fingerprint evidence. The court has reviewed the exhibit and finds no prior crimes were listed on the fingerprint card that was shown to the jury—only the

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present crime.

The defendant's claim of error in fail to obtain a fingerprint expert was insufficiently pled and despite being given time to address the issue, the defendant has failed to do so. This sub issue is denied for the reasons indicated previously. *Strickland,* 466 U.S. at 694; *Bowman*, 748 So. 2d at 1085.

The defendant has failed to prove either prong of *Strickland* and this claim is without merit.

Ground Seven is addressed above.

Ground Eight was insufficiently pled and despite being given time to address the issue, the defendant has failed to do so. This issue is denied for the reasons indicated previously. *Strickland,* 466 U.S. at 694; *Bowman*, 748 So. 2d at 1085.

In Ground Nine, the defendant claims that counsel was ineffective for failing to request a hearing pursuant to *Richardson v. State*, 246 So.2d 771 (Fla. 1971) on alleged discovery violations concerning plea deals offered to co-defendants. Based on the evidence adduced at the hearing, there were no plea deals offered to anyone to testify in this matter. Allegations that counsel was ineffective for not pursuing meritless arguments are legally insufficient to state a claim for post-conviction relief. *Melendez,* 612 So.2d at 1369; *Teffeteller,* 734 So.2d at 1023.

The defendant has failed to prove either prong of Strickland and this claim is without merit.

Ground Ten is denied for the reasons previously given. *Akers v. State*, 890 So. 2d 1257, 1259 (Fla. 5th DCA 2005); Sect. 775.082 Fla. Statutes.

All of the defendant's claims are without merit or conclusively refuted by the record. It is therefore

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ORDERED AND ADJUDGED that the defendant's motion and amended motion and all grounds raised therein is DENIED for the reasons given.

The defendant has thirty (30) days to appeal.

DONE AND ORDERED in chambers in Stuart, Martin County, Florida on this 21st day of July, 2009.

STEVEN J. LEVIN
CIRCUIT JUDGE

Certificate of Service

I hereby certify that a true copy of the foregoing order and any attachments have been provided by U.S. Mail, postage prepaid or courthouse box where indicated, to the following persons this 21 day of July, 2009.

Torris Hill, pro se
DOC# 789283
Taylor Correctional Institution
8501 Hampton Springs Road
Perry, Florida 32348-8747

Patrick W. Gillen, Esq.
Office of the State Attorney
By Courthouse Box

Marsha Ewing
CLERK OF THE COURT

By: _____
Deputy Clerk

CIRCUIT COURT MARTIN COUNTY FLORIDA

Appendix H

Appendix I

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

NOVEMBER 7, 2024

TORRIS BENARD HILL, CASE NO.- 4D2024-1858
Appellant(s) L.T. NO.- 432003CF001639A

V.

STATE OF FLORIDA
Appellee(s)

RESPONSE TO APPEAL COURT ORDER

Appellant comes in good faith and will demonstrate the errors on the face of the records why the Appeal Court should not impose the sanction of no longer accepting Appellant pro se filing and why Appellant should not be refferred to peison officials for disciplinary proceedings.

Appendix I
(1)

FIRST REASON

The consecutive (PRR) 15 years sentences are illegal sentences. Appellant do not qualify to be sentence under the Prison Releasee Reoffender enhancement under section 775.082(9).

July 22, 2005: The sentencing hearing record page 487 LN 2-23 shows State Attorney Ms. Nina Denton testify that her fingerprint expert **cannot** testify that the certified copy of the prior judgment and sentence of the person fingerprints being; Arrest date April 15, 1998: Case # 98-539 CFA

Sentence date August 28, 1998

Released date August 20, 2001 from the Florida Department of Correction (FDOC) matched Torris Benard Hill fingerprints. The State failed to introduce competent evidence in conformance with Fla. R. Crim. P. 3.986 and failed to establish by a preponderance of the evidence Appellant was released from prison within three (3) years of new crimes. The person who was released from (FDOC) is not Torris Benard Hill. Appellant was out of prison for six (6) years 2-8-1997 to 12-18-2003.

8-2-2007 Appellant filed first 3.850 motion: Claim Ten "Trial Counsel was ineffective for failing to give (PRR) notice."

7-21-2009 Claim Ten was denied. see page Exhibit "B" pg 15.

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The lower court fail to give Appellant at least one opportunity leave to amend insufficient claim ten (10) facially sufficient. See page 115-117.

Appellant filed 3.800(a) Correct an illegal (PRR) sentence motion alleging the (PRR) sentences are illegal sentences and Appellant do not qualify to be sentence under the (PRR) statue 775.082(9).

The Court denied ("Ground Ten") is the same claim the Appellant raise before in the first 3.850 motion. In this case the illegal consecutive (PRR) sentence claim have not been given at least one opportunity to amend facially sufficient nor have been previously adjudicated on it merits. Appellant have appealed the insufficient claim ten (10) to the Fourth DCA in the rehearing motion filed in 2012.

A court abuses its discretion in failing to allow the Appellant at least one opportunity to correct the deficiency the proper procedure was to strike the motion with leave to amend within a reasonable period. Spera V. State 971 So. 2d 754, 761-62 (Fla. 2007) (holding that trial court must give Appellant one opportunity to amend facially deficient claims). Thus, a successive motion may not be dismissed if those grounds were not previously adjudicated on theie merits "Wright V. State 741, So 2nd 1146, (Fla. 2nd DCA 1996.)

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SECOND REASON

8-6-2007: Appellant filed First 3.850 motion; Claim S.R.(6) " Counsel was ineffective for failing to object improperly exhibit to the jury with the fingerprint evidence ". See Exhibit "D" pg. 230

12-14-2007: Honorable Judge Robert B Belanger; "Supplemental Order requiring responsive Pleading 3." In the State's response filed on 11-1-2007, in addressing attached Exhibit "D" to support its argument that the evidence at issue was not improperly exhibit to the jury. However, the copy of the exhibit is not clear, The State must file a clear copy of the exhibit if it is to serve as the basis for an argument that Appellant is not entitled to an evidentiary hearing of the claim. See page 237.

1-11-2008: State's Response to the Court's Supplemental Order: The State cannot attach portions of the record to its response to all of the points raised in the Supplemental Order and therefore requests that this motion be set for evidentiary hearing. See page 239.

4-15-2009: At the evidentiary hearing the state and appointed counsel brought up about claim S.R. (6) to refute the Judge Supplemental order.

Order denying 3.850 after hearing claim six(6), denied insufficient pled and despite being given time to address the issue the Appellant has failed to do so. see Exhibit "B" page 6.)

6-9-2008: Shows the court failed to give Appellant at least one oppotunity to amend insufficient claim six into facially sufficient. see page 115-117.

The state geanting a evidentiary hearing to the judge order, then denied claim six insufficient after the evidentiary hearing is erroneous. The court contrasdicted itself. The Record show the plain error.

A court abuses its discretion in failing to allow the Appellant at least one opportunity to coreect the deficiency, the proper procedure was to strike the motion with leave to amend within a reasonable period. Spera V. State, 971 So 2nd 754, 761-62 (Fla. 2007) (holding that trial court must give Appellant one opportunity to amend facially deficient claims) Thus, a successive motion may not be dismissed if those grounds were not previously adjudicated on thele merits " Weight V. State 741 so 2nd 1146 (Fla. 2nd DCA 1996).

Appellant have appealed the insufficient claim six (6) to the Fourth DCA in the rehearing motion that was filed in 2012. Appendix F

For each of these reasons, the Appellant respectfully submits that the insufficient claim six(6) and claim ten(10) have not been given at least one opportunity time to leave to amend facially sufficient noe have been previously adjudicated on the merits. Thus, the trial court erred denying the Appellant motion 3.850(f) raising claim six(6) and claim ten(10) amending the defficiency in good faith.

CONCLUSION

That the Appeal Court do not impose the sanction of no longer accepting Appellant pro se filing and do not refereed Appellant to prison officials for disciplinary proceedings. Appellant is requesting the Appeal Court to Remand with direction to the lower court to give Appellant 60 days to cure the deficiency or attach portion of the records to refute the claims showing that the prior motion was previously adjudicated on its merits.

CERTIFICATES OF SERVICE

I HEREBY CERTIFY that a copy of this response was furnished to clerk of Court Fourth

DCA, 110 South Tamarind Avenue, West Palm Beach, Florida 33401 and Office of the Attorney General 4TH DCA 1515 North Flagler Drive, Suite 900, West Palm Beach, Florida. 33401-3432 by United State Mail on this 7 day of November 2024

/S/ Torris B. Hill #789283
Torris B. Hill #789283

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY, that this response complies with the font requirement of Rule 9.210(a)(1) of the Florida Rule of Appellant Procedure.

/S/ Torris B. Hill #789283
Torris B. Hill #789283
Hardee Work Camp
6899 State Road 62
Bowling Green, Florida 33834

Appendix I

Appendix J

M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

This cause having been brought to the Court by appeal or by petition, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that such further proceedings be had in said cause as may be in accordance with the opinion of this Court, and with the rules of procedure and laws of the State of Florida.

WITNESS the the Honorable Mark W. Klingensmith, Chief Judge of the District Court of Appeal of the State of Florida, Fourth District, and seal of the said Court at West Palm Beach, Florida on this day.

DATE:	**January 7, 2025**
CASE NO.:	**4D2024-1858**
COUNTY OF ORIGIN:	**Martin County**
T.C. CASE NO.:	**432003CF001639A**
STYLE:	**TORRIS BERNARD HILL,** **Appellant(s)** **v.** **STATE OF FLORIDA,** **Appellee(s).**

Lonn Weissblum

LONN WEISSBLUM, Clerk
Fourth District Court of Appeal

Served:

Crim App WPB Attorney General

Martin Clerk

Torris Bernard Hill *W*

Martin State Attorney

Appendix J