



STATE OF FLORIDA

CHARLIE CRIST
ATTORNEY GENERAL

August 17, 2006

The Honorable Jeb Bush
Governor
The Capitol
Tallahassee, Florida 32399-0001

RE: CLARENCE HILL

Dear Governor Bush:

Clarence Hill was found guilty for the October 19, 1982, first degree, premeditated murder of Stephen Taylor and was sentenced to death on May 27, 1983, in Escambia County, Florida. On October 10, 1985, the Florida Supreme Court affirmed his conviction but vacated the sentence and remanded for resentencing. On April 2, 1986, Hill was resentenced to death. The Florida Supreme Court affirmed the sentence on September 17, 1987, and certiorari was denied by the United States Supreme Court on April 4, 1988.

On November 9, 1989, the first death warrant was signed. Hill's execution was set for January 25, 1990. Following completion of state postconviction litigation, on January 27, 1990, Hill filed a federal habeas petition and sought a stay in the United States District Court-Northern District. The district court stayed Hill's case on January 27, 1990, and a partial grant of relief issued on August 31, 1992. As a result, the case was remanded to the Florida Supreme Court. Hill then sought reconsideration of his direct appeal, and the Florida Supreme Court again affirmed his death sentence on October 13, 1994. The United States Supreme Court denied certiorari on October 2, 1995. Ultimately, on May 14, 1999, the United States Court of Appeals for the Eleventh Circuit affirmed the denial of all habeas corpus relief and the United States Supreme Court denied certiorari on January 10, 2000.

Hill next filed a successive motion for postconviction relief in the trial court on June 20, 2003, which was denied on May 26, 2004. On May 13, 2005, the Florida Supreme Court affirmed the trial court's denial of postconviction relief.

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On November 29, 2005, a second death warrant was signed, scheduling Hill's execution for January 24, 2006. On December 15, 2005, Hill filed a motion for postconviction relief, which was denied on December 23, 2005. The Florida Supreme Court affirmed the trial court's denial of relief on January 17, 2006. The United States Supreme Court denied certiorari on February 27, 2006.

Hill also sought declaratory and injunctive relief pursuant to a 42 U.S.C. §1983 complaint in the United States District Court-Northern District. That action was dismissed on January 21, 2006, and the United States Court of Appeals for the Eleventh Circuit affirmed the district court's dismissal on January 24, 2006. Hill sought a stay of execution and certiorari review in the United States Supreme Court. That Court granted an indefinite stay of execution on January 24, 2006, and subsequently, granted certiorari review on January 25, 2006. After briefing and oral argument, the United States Supreme Court, on June 12, 2006, reversed and remanded to the United States Court of Appeals for the Eleventh Circuit regarding the request for declaratory and injunctive relief. Judgment was entered on July 14, 2006, which lifted the stay of execution, and ended any further action by the United States Supreme Court. The case has been remanded to the Eleventh Circuit Court of Appeals on the complaint filed pursuant to 42 U.S.C. §1983, however no further action has occurred. There is no stay in Hill's case.

I know of no stays of execution issued by any court of competent jurisdiction in this cause. In accordance with Rule 15, Rules of Executive Clemency, I have examined the record and determined that it is legally sufficient to support the issuance of a warrant.

Sincerely,

Charlie Crist

CC/ks