

IN THE SUPREME COURT OF FLORIDA

NO. SC68706

CLARENCE EDWARD HILL,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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MOTION FOR DISCOVERY

CLARENCE EDWARD HILL, Defendant in the above-styled cause, by and through undersigned counsel, respectfully moves this Court to grant discovery as to the Department of Corrections. In support of his motion Mr. Hill states:

1. Mr. Hill is under a sentence of death. A Death Warrant was signed in Mr. Hill's case on November 29, 2005. His execution has been set for January 24, 2006.

2. Undersigned counsel on January 6, 2006 became aware of the fact that, on or about January 4, 2006, Mr. Hill was informed that he was going to be examined by two doctors, for the purpose of determining whether his veins were suitable for the lethal injection process.

3. Mr. Hill was subsequently escorted into a room, where two individuals wearing masks placed a rubber band on his arm during this proceeding. Additionally, Mr. Hill was

asked by these individuals about his health and whether he had anything in his lungs.

4. Mr. Hill has previously been provided with Department of Corrections' records, including medical files, during the time period of his incarceration on death row. Mr. Hill now seeks any files, records, reports, letters, memoranda, notes, drafts and/or electronic mail in the possession or control of the Department of Corrections regarding the "examination" which occurred on or about January 4, 2006.

5. Additionally, should no such documentation exist, Mr. Hill requests that he be permitted to depose all individuals involved in the "examination" which occurred on or about January 4, 2006.

6. Mr. Hill also requests any protocols enacted subsequent to Sims regarding the lethal injection process. The aforementioned "examination" clearly does not comport with the protocol examined by the Florida Supreme Court during the Sims proceedings and that argued by the State during the public records proceedings below.

**WHEREFORE**, Mr. Hill respectfully requests that this Court grant his Motion for Discovery or, in the alternative, remand to the trial court for an evidentiary hearing on the matter.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that true and correct copies of the foregoing motion has been furnished by electronic mail and hand to opposing counsel of record on this 9<sup>th</sup> day of January 2006.

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