

STATE OF FLORIDA
LAW OFFICE OF THE
CAPITAL COLLATERAL
REGIONAL COUNSEL
MIDDLE REGION



BILL JENNINGS
CAPITAL COLLATERAL REGIONAL COUNSEL

VICKI BUTTS
EXECUTIVE DIRECTOR

July 15, 2008

Neil Kelly
Clerk of the Circuit Court
5th Circuit - Lake County
550 W. Main Street
Tavares, FL 32778-7800

Re: State of Florida v. Richard Henyard
Case No. 93-159-CF

Dear Clerk:

Enclosed for immediate filing in the above-captioned case are:

- (1). Original of Defendant's Notice of Filing;
- (2). Copies of the first and last pages of the above referenced document for return to CCRC-Middle after date-stamping and filing; and
- (3). A pre-addressed, stamped envelope for use in returning the date-stamped pages to us.

We request that you please return the date stamped pages to CCRC-Middle in the enclosed pre-addressed stamped envelope after the completion of filing.

A copy has been provided by first class mail to opposing counsel of record.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Gruber".

Mark S. Gruber
Assistant CCC

/psh

Enclosures

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR LAKE COUNTY, FLORIDA**

CASE NO. 93-159

STATE OF FLORIDA,

Plaintiff,

v.

**CAPITAL CASE, DEATH WARRANT
SIGNED; EXECUTION SCHEDULED
FOR SEPTEMBER 23, 2008**

RICHARD HENYARD

Defendant.

NOTICE OF FILING

DEFENDANT, RICHARD HENYARD, through undersigned counsel, pursuant to Fla. R. Crim. P. 3.852(c)(1), hereby files in the court file of this case the following requests for production of public records (FedEx tracking orders attached):

1. Stephen Ake, Attorney General's Office, dated July 14, 2008.
2. Records Custodian, FDLE, dated July 14, 2007.
3. Max Changus, Florida Department of Corrections, dated July 14, 2008.
4. Lake County Sheriff's Office, dated July 14, 2008.
5. Eustis Police Department, dated July 14, 2008.
6. William Gross, State Attorney's Office, dated July 14, 2008.
7. Medical Examiner's Office, dated July 14, 2008.

I HEREBY CERTIFY that a true copy of the foregoing Notice of Filing has been furnished by E-mail and United States Mail, first class postage prepaid, to all counsel of record on July 15, 2008.



MARK S. GRUBER
Florida Bar No. 0330541
Assistant CCC
Capital Collateral Regional
Counsel - Middle Region
3801 Corporex Park Drive, Suite 210
Tampa, FL 33619
(813) 740-3544

Copies furnished to:

Honorable Mark J. Hill
Circuit Court Judge
P. O. Box 7800
Tavares, FL 32778-7800

Alan Dakan
Assistant General Counsel
Florida Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399-2500

Stephen Ake
Assistant Attorney General
Concourse Center 4
3507 E. Frontage Rd., Suite 200
Tampa, FL 33607-7013

The Honorable Thomas D. Hall
Clerk, Supreme Court of Florida
ATTN: Tangy Hardy
Supreme Court Building
500 S. Duval Street
Tallahassee, FL 32399-1927

William Gross
Assistant State Attorney
P. O. Box 7800
Tavares, FL 32778-7800

Commission on Capital Cases
ATTN: Roger R. Maas
402 S. Monroe Street
Tallahassee, FL 32399-1300

**SUPPLEMENTAL REQUEST FOR PRODUCTION OF PUBLIC RECORDS
CIRCUIT COURT CASE NO. 93-159-CF**

**ACTIVE DEATH WARRANT
Execution Scheduled for
September 23, 2008 at 6:00 pm**

**TO: Stephen Ake
Assistant Attorney General
Concourse Center 4
3507 E. Frontage Road, Suite 200
Tampa, FL 33607-7013**

RE:

**Prisoner's name: Richard Henyard
Prisoner's number: DOC No. 225727; DOB 06/26/74; SS 629-59-4729
Place of Confinement: Union Correctional Institution, Raiford, Florida**

This is a formal request for the production of public records made pursuant to Fla. R. Crim. P. Rule 3.852(h)(3) which provides that:

Within 10 days of the signing of a defendant's death warrant, collateral counsel may request in writing the production of public records from a person or agency from which collateral counsel has previously requested public records. A person or agency shall copy, index, and deliver to the repository any public record:

- (A) that was not previously the subject of an objection;
- (B) that was received or produced since the previous request; or
- (C) that was, for any reason, not produced previously.

The person or agency providing the records shall bear the costs of copying, indexing, and delivering such records. If none of these circumstances exist, the person or agency shall file with the trial court and the parties an affidavit stating that no other records exist and that all public records have been produced previously. A person or agency shall comply with this subdivision within 10 days from the date of the written request or such shorter time period as is ordered by the court.

Our records indicate that you are person or agency from which collateral counsel has previously requested public records. In accordance with said Rule you are requested to copy, index, and deliver to the Public Records Repository within 10 days of the receipt hereof such public records as are described herein or to file with the trial court and the parties an affidavit stating that no other records exist and that all public records have been produced previously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark S. Gruber', written over a horizontal line.

MARK S. GRUBER

Florida Bar No. 0330541

Assistant CCRC

CAPITAL COLLATERAL REGIONAL
COUNSEL-MIDDLE REGION

3801 Corporex Park Drive, Suite 210

Tampa, Florida 33619

(813) 740-3544

Dated July 14, 2008

Track Shipments/FedEx Kinko's Orders
Detailed Results Quick Help

Tracking number	861050935199	Reference	HENYARD -DEATH
Signed for by	Signature release on file		WARRANT
Ship date	Jul 14, 2008	Destination	TAM
Delivery date	Jul 15, 2008 8:45 AM	Service type	Priority Envelope
Status	Delivered		
Signature image available	No		

Date/Time	Activity	Location	Details
Jul 15, 2008	8:45 AM Delivered	TAM	Left at front door. Package delivered to recipient address - release authorized
	7:58 AM On FedEx vehicle for delivery	TAMPA, FL	
	7:24 AM At local FedEx facility	TAMPA, FL	
	1:06 AM At local FedEx facility	TAMPA, FL	
Jul 14, 2008	9:11 PM At dest sort facility	TAMPA, FL	
	8:54 PM Left FedEx origin facility	TAMPA, FL	

[Signature proof](#)[E-mail results](#)[Track more shipments/orders](#)

Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

E-mail address	Language	Exception updates	Delivery updates
	English		<input type="checkbox"/>
	English		<input type="checkbox"/>
	English		<input type="checkbox"/>
	English		<input type="checkbox"/>

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or non-English characters.

 By selecting this check box and the Submit button, I agree to these Terms and Conditions

**SUPPLEMENTAL REQUEST FOR PRODUCTION OF PUBLIC RECORDS
CIRCUIT COURT CASE NO. 93-159-CF**

**ACTIVE DEATH WARRANT
Execution Scheduled for
September 23, 2008 at 6:00 pm**

**TO: Records Custodian
Florida Department of Law Enforcement
P. O. Box 1489
Tallahassee, FL 32302**

RE:
Prisoner's name: Richard Henyard
Prisoner's number: DOC No. 225727; DOB 06/26/74; SS 629-59-4729
Place of Confinement: Union Correctional Institution, Raiford, Florida

This is a formal request for the production of public records made pursuant to Fla. R. Crim. P. Rule 3.852(h)(3) which provides that:

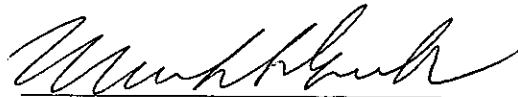
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Our records indicate that you are person or agency from which collateral counsel has previously requested public records. In accordance with said Rule you are requested to copy, index, and deliver to the Public Records Repository within 10 days of the receipt hereof such public records as are described herein or to file with the trial court and the parties an affidavit stating that no other records exist and that all public records have been produced previously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark S. Gruber', written in a cursive style.

MARK S. GRUBER

Florida Bar No. 0330541

Assistant CCRC

CAPITAL COLLATERAL REGIONAL
COUNSEL-MIDDLE REGION

3801 Corporex Park Drive, Suite 210

Tampa, Florida 33619

(813) 740-3544

Dated July 14, 2008



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[Ship](#) [Track](#) [Manage](#) [Business Solutions](#)

Track Shipments/FedEx Kinko's Orders
Detailed Results

[Printable Version](#) [Quick Help](#)

Tracking number 861050935188
Signed for by P.COMBS
Ship date Jul 14, 2008
Delivery date Jul 15, 2008 9:55 AM
Status Delivered
Signature image available Yes

Reference HENYARD-DEATH WARRANTS
Delivered to Service type Shipping/Receiving Priority Envelope

Wrong Address?
 Reduce future mistakes by using FedEx Address Checker.

Tracking a FedEx SmartPost Shipment?
 Go to shipper login

Date/Time	Activity	Location	Details
Jul 15, 2008	9:55 AM	Delivered	
	8:16 AM	On FedEx vehicle for delivery	TALLAHASSEE, FL
	7:09 AM	At local FedEx facility	TALLAHASSEE, FL
	6:04 AM	At dest sort facility	TALLAHASSEE, FL
	3:49 AM	Departed FedEx location	MEMPHIS, TN
Jul 14, 2008	8:57 PM	Left FedEx origin facility	TAMPA, FL
	7:01 PM	Picked up	TAMPA, FL



[Signature proof](#) | [E-mail results](#) | [Track more shipments/orders](#)

Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

E-mail address	Language	Exception updates	Delivery updates
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these Terms and Conditions

**SUPPLEMENTAL REQUEST FOR PRODUCTION OF PUBLIC RECORDS
CIRCUIT COURT CASE NO. 93-159-CF**

**ACTIVE DEATH WARRANT
Execution Scheduled for
September 23, 2008 at 6:00 pm**

**TO: Max Changus
Department of Corrections
2601 Blair Stone Road
Tallahassee, FL 32399-2500**

RE:
Prisoner's name: Richard Henyard
Prisoner's number: DOC No. 225727; DOB 06/26/74; SS 629-59-4729
Place of Confinement: Union Correctional Institution, Raiford, Florida

This is a formal request for the production of public records made pursuant to Fla. R. Crim. P. Rule 3.852(h)(3) which provides that:

Within 10 days of the signing of a defendant's death warrant, collateral counsel may request in writing the production of public records from a person or agency from which collateral counsel has previously requested public records. A person or agency shall copy, index, and deliver to the repository any public record:

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'M. Gruber', written in black ink. The signature is positioned above a horizontal line.

MARK S. GRUBER

Florida Bar No. 0330541

Assistant CCRC

CAPITAL COLLATERAL REGIONAL
COUNSEL-MIDDLE REGION

3801 Corporex Park Drive, Suite 210

Tampa, Florida 33619

(813) 740-3544

Dated July 14, 2008



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Track Shipments/FedEx Kinko's Orders Detailed Results

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Tracking number 861050935166
Signed for by S.HOSAY
Ship date Jul 14, 2008
Delivery date Jul 15, 2008 9:48 AM
Status Delivered
Signature image available Yes

Reference HENYARD-DEATH WARRANT
Delivered to Mailroom
Service type Priority Envelope

Wrong Address? Reduce future mistakes by using FedEx Address Checker.

Tracking a FedEx SmartPost Shipment? Go to shipper login

Table with 4 columns: Date/Time, Activity, Location, Details. Rows show delivery activity on Jul 15, 2008 and pickup on Jul 14, 2008.



Signature proof E-mail results Track more shipments/orders

Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

Table with 4 columns: E-mail address, Language, Exception updates, Delivery updates. Includes checkboxes for English and updates.

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these Terms and Conditions

**SUPPLEMENTAL REQUEST FOR PRODUCTION OF PUBLIC RECORDS
CIRCUIT COURT CASE NO. 93-159-CF**

**ACTIVE DEATH WARRANT
Execution Scheduled for
September 23, 2008 at 6:00 pm**

**TO: Gary S. Borders
Lake County Sheriff's Office
360 W. Ruby Street
Tavares, FL 32778**

RE:

**Prisoner's name: Richard Henyard
Prisoner's number: DOC No. 225727; DOB 06/26/74; SS 629-59-4729
Place of Confinement: Union Correctional Institution, Raiford, Florida**

This is a formal request for the production of public records made pursuant to Fla. R. Crim. P. Rule 3.852(h)(3) which provides that:

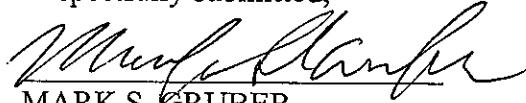
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark S. Gruber', written in a cursive style.

MARK S. GRUBER

Florida Bar No. 0330541

Assistant CCRC

CAPITAL COLLATERAL REGIONAL
COUNSEL-MIDDLE REGION

3801 Corporex Park Drive, Suite 210

Tampa, Florida 33619

(813) 740-3544

Dated July 14, 2008



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[Package/Envelope](#) [Freight](#) [Expedited](#) [Office/Print Services](#)

[Ship](#) > [Track](#) > [Manage](#) > [Business Solutions](#) >

Track Shipments/FedEx Kinko's Orders
Detailed Results

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Tracking number 861050935225
Signed for by J.FEDFORD
Ship date Jul 14, 2008
Delivery date Jul 15, 2008 9:51 AM

Reference HENYARD-DEATH
WARRANT
Destination TAV
Delivered to Receptionist/Front Desk
Service type Priority Envelope

Wrong Address?
Reduce future mistakes by using
FedEx Address Checker.

**Tracking a FedEx SmartPost
Shipment?**
Go to shipper login

Status Delivered

**Signature image
available** Yes

Date/Time	Activity	Location	Details
Jul 15, 2008	9:51 AM	Delivered	TAV
	8:50 AM	On FedEx vehicle for delivery	LEESBURG, FL
	8:13 AM	At local FedEx facility	LEESBURG, FL
	5:27 AM	At dest sort facility	ORLANDO, FL
	3:46 AM	Departed FedEx location	MEMPHIS, TN
Jul 14, 2008	8:54 PM	Left FedEx origin facility	TAMPA, FL



Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

E-mail address	Language	Exception updates	Delivery updates
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these Terms and Conditions

**SUPPLEMENTAL REQUEST FOR PRODUCTION OF PUBLIC RECORDS
CIRCUIT COURT CASE NO. 93-159-CF**

**ACTIVE DEATH WARRANT
Execution Scheduled for
September 23, 2008 at 6:00 pm**

**TO: Fred Cobb
Eustis Police Department
51 E. Norton Avenue
Eustis, FL 32726**

RE:
Prisoner's name: Richard Henyard
Prisoner's number: DOC No. 225727; DOB 06/26/74; SS 629-59-4729
Place of Confinement: Union Correctional Institution, Raiford, Florida

This is a formal request for the production of public records made pursuant to Fla. R. Crim. P. Rule 3.852(h)(3) which provides that:

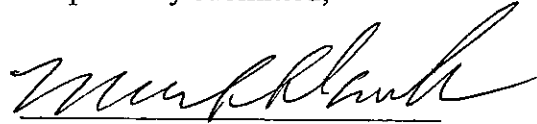
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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark S. Gruber', written over a horizontal line.

MARK S. GRUBER

Florida Bar No. 0330541

Assistant CCRC

CAPITAL COLLATERAL REGIONAL
COUNSEL-MIDDLE REGION

3801 Corporex Park Drive, Suite 210

Tampa, Florida 33619

(813) 740-3544

Dated July 14, 2008



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Track Shipments/FedEx Kinko's Orders Detailed Results

Printable Version Quick Help

Tracking number 861050935214
Signed for by C.SELAGE
Ship date Jul 14, 2008
Delivery date Jul 15, 2008 10:21 AM
Status Delivered
Signature image available Yes

Reference HENYARD-DESTH
WARRANT
Delivered to Receptionist/Front Desk
Service type Priority Envelope

Wrong Address? Reduce future mistakes by using FedEx Address Checker.
Tracking a FedEx SmartPost Shipment? Go to shipper login

Table with 4 columns: Date/Time, Activity, Location, Details. Shows delivery activity from Jul 14, 2008 to Jul 15, 2008.



Signature proof E-mail results Track more shipments/orders

Subscribe to tracking updates (optional)

Your name: Your e-mail address:

Table with 4 columns: E-mail address, Language, Exception updates, Delivery updates. Includes checkboxes for updates.

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these Terms and Conditions

**SUPPLEMENTAL REQUEST FOR PRODUCTION OF PUBLIC RECORDS
CIRCUIT COURT CASE NO. 93-159-CF**

**ACTIVE DEATH WARRANT
Execution Scheduled for
September 23, 2008 at 6:00 pm**

**TO: William Gross
Assistant State Attorney
550 W. Main Street, P. O. Box 7800
Tavares, FL 32778-7800**

RE:
Prisoner's name: Richard Henyard
Prisoner's number: DOC No. 225727; DOB 06/26/74; SS 629-59-4729
Place of Confinement: Union Correctional Institution, Raiford, Florida

This is a formal request for the production of public records made pursuant to Fla. R. Crim. P. Rule 3.852(h)(3) which provides that:

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Gruber", written over a horizontal line.

MARK S. GRUBER

Florida Bar No. 0330541

Assistant CCRC

CAPITAL COLLATERAL REGIONAL
COUNSEL-MIDDLE REGION

3801 Corporex Park Drive, Suite 210

Tampa, Florida 33619

(813) 740-3544

Dated July 14, 2008



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- [Track](#)
- [Manage](#)
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Track Shipments/FedEx Kinko's Orders
Detailed Results

Tracking number	861050935203	Reference	HENYARD-DEATH WARRANT
Signed for by	B.SCHAFFER	Delivered to	Receptionist/Front Desk
Ship date	Jul 14, 2008	Service type	Priority Envelope
Delivery date	Jul 15, 2008 9:28 AM		
Status	Delivered		
Signature image available	Yes		

Wrong Address?
Reduce future mistakes by using FedEx Address Checker.

Tracking a FedEx SmartPost Shipment?
Go to shipper login

Date/Time	Activity	Location	Details
Jul 15, 2008	9:28 AM	Delivered	
	8:47 AM	On FedEx vehicle for delivery	LEESBURG, FL
	8:17 AM	At local FedEx facility	LEESBURG, FL
	5:27 AM	At dest sort facility	ORLANDO, FL
	3:46 AM	Departed FedEx location	MEMPHIS, TN
Jul 14, 2008	8:57 PM	Left FedEx origin facility	TAMPA, FL
	7:01 PM	Picked up	TAMPA, FL



-
-
-

Subscribe to tracking updates (optional)

Your name:

Your e-mail address:

E-mail address	Language	Exception updates	Delivery updates
	English		<input type="checkbox"/>
	English		<input type="checkbox"/>
	English		<input type="checkbox"/>
	English		<input type="checkbox"/>

Select format: HTML Text Wireless

Add personal message:

Not available for Wireless or non-English characters.

By selecting this check box and the Submit button, I agree to these Terms and Conditions

**SUPPLEMENTAL REQUEST FOR PRODUCTION OF PUBLIC RECORDS
CIRCUIT COURT CASE NO. 93-159-CF**

**ACTIVE DEATH WARRANT
Execution Scheduled for
September 23, 2008 at 6:00 pm**

**TO: Medical Examiner
809 Pine Street
Leesburg, FL 34748-6047**

RE:

**Prisoner's name: Richard Henyard
Prisoner's number: DOC No. 225727; DOB 06/26/74; SS 629-59-4729
Place of Confinement: Union Correctional Institution, Raiford, Florida**

This is a formal request for the production of public records made pursuant to Fla. R. Crim. P. Rule 3.852(h)(3) which provides that:

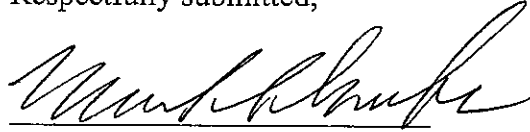
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MARK S. GRUBER

Florida Bar No. 0330541

Assistant CCRC

CAPITAL COLLATERAL REGIONAL
COUNSEL-MIDDLE REGION

3801 Corporex Park Drive, Suite 210

Tampa, Florida 33619

(813) 740-3544

Dated July 14, 2008



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Tracking number 861050935177
Signed for by D.FABER
Ship date Jul 14, 2008
Delivery date Jul 15, 2008 10:05 AM

Reference HENYARD-DEATH
 WARRANT
Destination LEE
Delivered to Receptionist/Front Desk
Service type Priority Envelope

Wrong Address?
 Reduce future mistakes by using
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 Shipment?**
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Status Delivered

**Signature image
 available** Yes

Date/Time	Activity	Location	Details
Jul 15, 2008 10:05 AM	Delivered	LEE	
8:56 AM	On FedEx vehicle for delivery	LEESBURG, FL	
8:19 AM	At local FedEx facility	LEESBURG, FL	
5:27 AM	At dest sort facility	ORLANDO, FL	
3:46 AM	Departed FedEx location	MEMPHIS, TN	
Jul 14, 2008 8:55 PM	Left FedEx origin facility	TAMPA, FL	



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	English	<input type="checkbox"/>	<input type="checkbox"/>
	English	<input type="checkbox"/>	<input type="checkbox"/>

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