

Condemned inmate to head back to court in 1985 murder case

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BROOKSVILLE — The 1985 capital case against convicted killer Paul Hildwin consumes six boxes piled high in the Hernando County court's record storage building.

In Volume 22, a 3-inch-thick folder, sits an appeal Hildwin filed Jan. 21, 2001, claiming ineffective counsel. The judge granted him a hearing several months later.

But for seven years, it was largely forgotten — lost among the sundry appeals, including nine that went to the Florida Supreme Court.

From death row in Starke, Hildwin discovered the oversight and, with his new attorney's help, pressed for his evidentiary hearing earlier this year.

So now — 23 years later — Hildwin's twisted case is once again in Hernando County court. It's likely his last chance to escape the death penalty.

On Aug. 18, Circuit Judge Richard Tombrink, who inherited the case years ago, renewed his order granting Hildwin a hearing on his ineffective counsel claim.

"It appears that the presently pending motion fell by the wayside," the judge acknowledged in the order.

Hildwin argues that his attorneys during his 1996 sentencing hearing, Richard Howard and William "Bud" Hallman III — both of whom are now sitting circuit judges — failed to fully investigate and present mitigating circumstances that could have spared him from the death penalty.

It was Hildwin's second sentencing hearing. In 1995, the state Supreme Court ordered a new one after it ruled that the Brooksville man's first attorney, Assistant Public Defender Dan Lewan, did a "woefully inadequate" job defending him.

New hearing, old case

Hildwin's case dates to September 1985, when two men discovered Vronzettie Cox's partially nude body stuffed inside her car's trunk.

Prosecutors told jurors that, four days earlier, Cox had stopped on U.S. 19 to offer Hildwin a ride after the stranger's car ran out of gas. Cox, 42, and Hildwin, then 25, drove toward his home off Knuckey Road in northwest Hernando County.

He raped her and strangled her with a gray T-shirt in a pine forest, prosecutors said.

Authorities looked to Hildwin after he forged a \$75 check from Cox's account the day of her death. Investigators also found Cox's portable radio and pearl ring in Hildwin's bedroom.

From the start, Hildwin maintained his innocence. He alleged that Cox's boyfriend was also present in the car. He said the two argued. Authorities said they investigated that possibility and cleared the boyfriend.

In his first trial, the jury found Hildwin guilty and took less than an hour to recommend death.

In the second sentencing hearing — which is the focus of the current appeal — the jury spent five hours before deciding 8-4 in favor of the death penalty. Tombrink later agreed, telling Hildwin, "Death is the appropriate, lawful sentence. ... May God have mercy on your soul."

In those proceedings, Howard and Hallman told jurors about Hildwin's abusive childhood and mental deficiencies, which was a large omission in the first sentencing, the state Supreme Court found.

Mental illness is a mitigating circumstance that could warrant a life sentence instead of death.

"Thou shall not kill the mentally ill," Howard told jurors.

But prosecutors picked apart the defense and exposed several inconsistencies in the diagnosis.

Hildwin's defense attorneys argue in the motion now before the court that Howard and Hallman didn't prepare their mental health expert, Dr. Robert Berland, with enough research. Notably absent from the testimony in the second sentencing was discussion of a previous doctor's conclusions that Hildwin suffered "organic brain damage."

The motion also said Hildwin's attorneys didn't talk to those closest to him and failed to present additional nonstatutory mitigating factors.

"These facts reflect a simple lack of preparation for the resentencing proceedings," Hildwin's motion states.

These issues, and related matters, will bring the parties back to court. But it's unclear when that day will come.

Attorneys in the case said during a telephonic status hearing Thursday that it likely won't occur until early 2009.

Hildwin's appellate attorney, Mark Gruber with the Capital Collateral Regional Counsel, said state budget cuts have forced his agency to delay cases until next year.

Gruber said there is no money to pay for the depositions needed ahead of Hildwin's hearing. He plans to elicit testimony from Howard, Hallman and others.

Tombrink, the judge, is working toward a January hearing date.

Another complicating factor is Hildwin's health. His attorney said he is currently undergoing chemotherapy treatment while on death row.