

Case Reference List

The following lists common hearings, violations, and issues contained in the website and case summaries:

Hearings

Durocher Hearing: Held in the Circuit Court during a 3.850 or 3.851 Motion. The Court uses this hearing to determine if an inmate is competent to waive the appellate process. Usually followed by a Faretta Hearing.
Source: *Durocher v. Singletary* (1993) 623 So.2d 1482

Faretta Hearing: Held in the Circuit Court during a 3.850 or 3.851 Motion. The Court uses this hearing to determine if the inmate is freely and voluntarily waiving the appellate process.
Source: *Faretta v. California* (1975) 422 U.S. 806

Huff Hearing: Held in the Circuit Court during a 3.850 or 3.851 Motion. The Court uses this hearing to determine if an evidentiary hearing or future hearings are warranted.
Source: *Huff v. Florida* (1993) 622 So.2d 982

Nelson Hearing: Held in the Circuit Court. The Court uses this hearing to investigate allegations of attorney incompetence by a defendant.
Source: *Nelson v. Florida* (1973) 274 So.2d 256 (4th D.C.A.Fla.)

Spencer Hearing: Held in the Circuit Court during sentencing or resentencing. The Court uses this hearing to allow the state, defense, or defendant to present additional evidence to the judge prior to sentencing or resentencing.
Source: *Spencer v. Florida* (1993) 615 So.2d 688

Violations

Brady Violation: Issue raised on appeal. Alleges that the prosecution withheld exculpatory evidence from the defense.
Source: *Brady v. Maryland* (1963) 373 U.S. 83

Giglio Violation: Issue raised on appeal. Alleges that the prosecution knowingly permitted false testimony.
Source: *Giglio v. U.S.* (1972) 405 U.S. 150

Hitchcock Violation: Issue raised on appeal. Alleges that only statutory mitigating circumstances were considered at sentencing, to the exclusion of non-statutory mitigating circumstances.
Source: *Hitchcock v. Dugger* (1987) 481 U.S. 393

Richardson Violation: Issue raised on appeal. Alleges that the prosecution did not share materials with the defense during discovery.
Source: *Richardson v. Florida* (1971) 246 So.2d 771

Claims

Atkins Claim: Issue raised on appeal. The execution of a mentally retarded inmate is unconstitutional.
Source: *Atkins v. Virginia* (2002) 536 U.S. 304

Ring Claim: Issue raised on appeal. Juries, not judges alone, must be involved in the sentencing process.
Source: *Ring v. Arizona* (2002) 536 U.S. 584

Strickland Claim: Issue raised on appeal. Alleges ineffectiveness of counsel.
Source: *Strickland v. Washington* (1984) 466 U.S. 668