

# Supreme Court of Florida

## ORAL ARGUMENT PRESS SUMMARIES

FEBRUARY 3 - 7, 2014

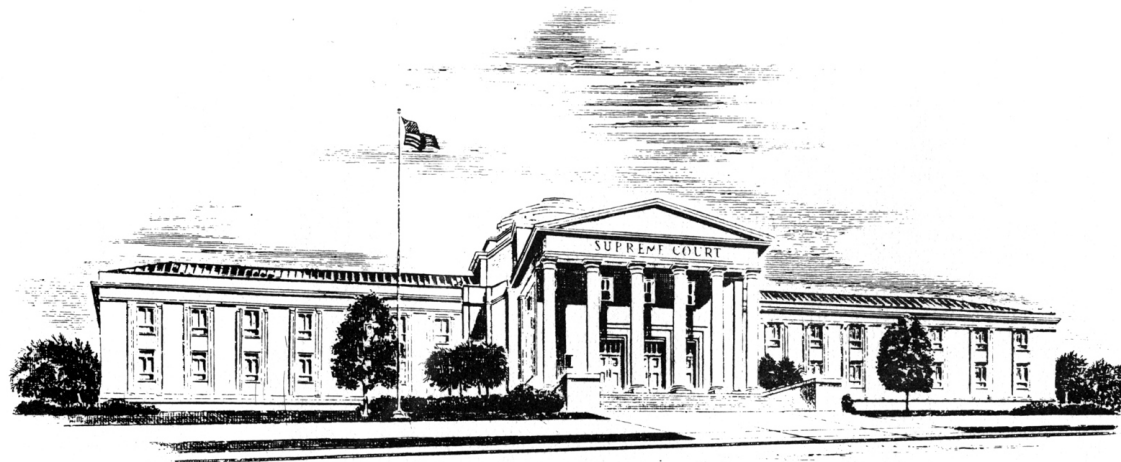
The following summaries are drawn from briefs and lower court judgments. They are meant to provide a general idea of facts and issues presented in cases, and should not be considered official court documents. Facts and issues presented in these summaries should be checked for accuracy against records and briefs, available from the Court, which provide more specific information.

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Names & phone numbers of attorneys in cases: [http://www.floridasupremecourt.org/pub\\_info/summaries/attorneys.pdf](http://www.floridasupremecourt.org/pub_info/summaries/attorneys.pdf)



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FLORIDA SUPREME COURT ORAL ARGUMENTS

**MONDAY, FEBRUARY 3, 2014**

Arrive early. Times & order of appearance are tentative and subject to change with no notice. Cases may be postponed due to exigent circumstances.

CASE	TIME	FACTS & ISSUES	PLACE OF ORIGIN
<p><b>William Davis III vs. State of Florida</b> <a href="#">SC13-6</a></p>	<p>9:00</p>	<p>Mr. Davis was convicted of the first-degree murder of Fabiana Malave, who was kidnapped, raped and strangled in 2009. The jury voted 7-5 to recommend a death sentence and the trial court condemned him to death. This is his direct appeal.</p>	<p>Seminole County</p>
<p><b>Emilia Carr vs. State of Florida</b> <a href="#">SC11-476</a></p>	<p>Approx. 10:00</p>	<p>Ms. Carr was convicted of the first-degree murder of Heather Strong, who was suffocated in 2009. The jury voted 7-5 to recommend a death sentence and the trial court condemned her to death. This is her direct appeal.</p>	<p>Marion County</p>

FLORIDA SUPREME COURT ORAL ARGUMENTS

**TUESDAY, FEBRUARY 4, 2014**

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CASE	TIME	FACTS & ISSUES	PLACE OF ORIGIN
<p><b>Dane Abdool, et al. vs. Pam Bondi, etc., et al.</b>  <a href="#">SC13-1123</a></p>	<p>9:00</p>	<p>Mr. Abdool and many other death row inmates raise multiple challenges to the constitutionality of portions of a new state law, known as the Timely Justice Act, that addresses the death penalty in Florida. They ask the Court to issue an injunction banning enforcement of the law.</p>	<p>Statewide</p>
<p><b>Harold Blake vs. State of Florida</b>                      &amp;  <b>Harold Blake vs. Michael Crews</b>  <a href="#">SC12-2102</a> &amp; <a href="#">SC13-1065</a></p>	<p>Approx.                      9:40</p>	<p>Mr. Blake was convicted of the first-degree murder of Maheshkumar Patel, who was fatally shot in 2002. The jury voted unanimously to recommend a death sentence and the trial court condemned him. This Court upheld the death sentence on direct appeal and Mr. Blake filed a postconviction challenge in trial court. It was partly granted and partly denied and this appeal followed.</p>	<p>Polk County</p>
<p><b>Bernard Dougherty vs. State of Florida</b>  <a href="#">SC12-2365</a></p>	<p>Approx.                      10:30</p>	<p>Mr. Dougherty was charged with resisting an officer with violence and acquiring a controlled substance by fraud. He was found incompetent and committed to a mental hospital. Later he was transferred to jail and his attorney filed a motion to determine his competency. The court appointed mental health experts to evaluate him. At the hearing, his attorney stipulated that Mr. Dougherty was competent. He was then tried and convicted. On appeal, he argued he was never found competent to proceed. The Fifth District Court of Appeal disagreed but remanded the cause for entry of a written order.</p>	<p>Brevard County</p>

<p><b>Ruby Saunders, etc., et al. vs. Willis Dickens, M.D.</b>  <a href="#">SC12-2314</a></p>	<p>Approx. 11:10</p>	<p>Ms. Saunders sued Dr. Dickens for medical malpractice, arguing he did not do enough tests to properly diagnose her husband's spinal problems. The jury ruled for Dr. Dickens, and the Fourth District Court of Appeal did as well. Ms. Saunders' appeal to this Court argues that she should be given a new trial because the defense attorney made an improper closing argument at trial and that the 4th DCA's decision is in conflict with decisions from two other district courts of appeal in similar cases.</p>	<p>Broward County</p>
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FLORIDA SUPREME COURT ORAL ARGUMENTS

**WEDNESDAY, FEBRUARY 5, 2014**

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CASE	TIME	FACTS & ISSUES	PLACE OF ORIGIN
<p><b>John Parker, etc., vs. The Board of Trustees of the City Pension Fund, etc.</b> <a href="#">SC13-890</a></p>	<p>9:00</p>	<p>Mr. Parker, a retired firefighter, filed a class-action lawsuit against Tampa’s pension board over benefits. The parties negotiated a settlement agreement and the trial court awarded attorney’s fees to his lawyers under Florida state law. The Second District Court of Appeal reversed the fee award, finding the pension plan was a local plan and therefore not covered by the state law for attorney fees. The 2nd DCA also certified the issue was one of great public importance.</p>	<p>Hillsborough County</p>
<p><b>Joseph Smith vs. State of Florida</b> <a href="#">SC13-4</a></p>	<p>Approx. 9:40</p>	<p>Mr. Smith was convicted of the first-degree murder of an 11-year-old child who was kidnapped in 2004 as she walked home from a friend’s house, sexually battered and strangled. The jury voted 10-2 to recommend a death sentence and the trial court condemned him. This Court upheld the death sentence on direct appeal and Mr. Smith filed a postconviction challenge in trial court. It was denied and this appeal followed.</p>	<p>Sarasota County</p>
<p><b>Billy Sheppard Jr. vs. State of Florida</b> <a href="#">SC12-890</a></p>	<p>Approx. 10:30</p>	<p>Mr. Sheppard was convicted of the first-degree murders of Patrick Stafford and 16-year-old Monquell Wimberly, who were fatally shot in 2008. The jury recommended a life sentence for the murder of Mr. Stafford and voted 8-4 to recommend a death sentence for the murder of Mr. Wimberly. The trial court condemned Mr. Sheppard to death. This is his direct appeal.</p>	<p>Duval County</p>

FLORIDA SUPREME COURT ORAL ARGUMENTS

**THURSDAY, FEBRUARY 6, 2014**

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CASE	TIME	FACTS & ISSUES	PLACE OF ORIGIN
<p><b>MDS (Canada) Inc., et al. vs. Rad Source Technologies, Inc., etc.</b> <a href="#">SC13-1215</a></p>	<p>9:00</p>	<p>MDS (Canada) and Rad Source Technologies entered into a license agreement dealing with the sale of medical equipment designed by Rad Source to treat blood before transplants to reduce side effects. A contract dispute arose. The two companies went to federal court. When the case reached the 11th U.S. Circuit Court of Appeals, the federal appellate court said it had jurisdiction in the case but had to certify a question of Florida law to this Court to be settled. The issue deals with the transfer of interests in a license agreement to a third party.</p>	
<p><b>The Florida Bar vs. Jeffrey Norkin</b> <a href="#">SC11-1356</a></p>	<p>Approx. 9:40</p>	<p>Attorney Jeffrey Norkin has been directed to appear before the Court to receive a public reprimand for ethical misconduct.</p>	<p>Dade County</p>
<p><b>Lamar Brooks vs. State of Florida</b> &amp; <b>Lamar Brooks vs. Michael Crews</b> <a href="#">SC12-629</a> &amp; <a href="#">SC13-706</a></p>	<p>Approx. 9:45</p>	<p>Mr. Brooks was sentenced to death for the first-degree murders of Rachel Carlson and her three-month-old daughter, Alexis Stuart, who were fatally stabbed in 1996. On direct appeal, this Court reversed his convictions. At his retrial, Mr. Brooks was again convicted of both murders. The jury recommended death sentences, by a 9-3 vote for the murder of the mother and by an 11-1 vote for the murder of the daughter. The trial court sentenced Mr. Brooks to death, and this Court affirmed the death sentences on direct appeal. Mr. Brooks filed a postconviction challenge in trial court. It was denied.</p>	<p>Okaloosa County</p>

<p><b>Dale Middleton vs. State of Florida</b> <a href="#">SC12-2469</a></p>	<p>Approx. 10:35</p>	<p>Mr. Middleton was convicted of the first-degree murder of Roberta Christensen, who was fatally stabbed in her home in 2009. The jury voted unanimously to recommend a death sentence and the trial court condemned him to death. This is his direct appeal.</p>	<p>Okeechobee County</p>
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FLORIDA SUPREME COURT ORAL ARGUMENTS

**FRIDAY, FEBRUARY 7, 2014**

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CASE	TIME	FACTS & ISSUES	PLACE OF ORIGIN
No cases scheduled.			