



# Supreme Court of Florida

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## Oral Argument Press Summaries

**Aug. 29-Sept. 2, 2016** no arguments on Aug. 29 or Sept. 2

**Tuesday, Aug. 30**

Justice Perry recused

[Inquiry Concerning a Judge No. 15-530 re: Jerri Collins, SC16-548](#)

Seminole County – starts about 9:00 a.m.

County Judge Collins has been summoned before the Court to receive a public reprimand for ethical misconduct.

[Francis Wong v. State, SC15-2192](#)

Lee County – starts about 9:10 a.m.

Mr. Wong was convicted of various child molestation and battery charges and sentenced to life in prison. On appeal, he argued that the trial court erred in not allowing jury instructions about lesser charges that might have been considered. The state argued Mr. Wong's lawyer failed to preserve the issue for appeal. The Second District Court of Appeal upheld Mr. Wong's conviction and sentence; this appeal followed.

--10 minute break--

Eric Green v. Calvin Cottrell, et al., [SC15-1805](#)

Santa Rosa – starts about 10:00 a.m.

Mr. Green sued four jail guards, alleging they were negligent in allowing other inmates to attack him. He also said his federal rights were violated. The trial court dismissed his suit and Mr. Green appealed. One of the issues he raised involved the deadline for filing suit: He argued the trial court applied the wrong statute of limitations – a one-year deadline rather than a four-year deadline. The First District Court of Appeal upheld the trial court's ruling and Mr. Green asked this Court to review the case, arguing that the 1st DCA's ruling is in conflict with a ruling by the Fifth District Court of Appeal.

CJ Labarga recused

Gary Czajkowski v. State, [SC15-2313](#)

Palm Beach County – starts about 10:40 a.m.

A jury convicted Mr. Czajkowski, owner of a sewer maintenance business, of bribing officials who award public works contracts. He was sentenced to nine months in jail. At trial and on appeal, he argued the charges against him should be dismissed because the state's interpretation of the law banning gifts to officials was unconstitutionally vague and inconsistently applied. The Fourth District Court of Appeal upheld the trial court's denial of that argument and upheld the convictions.

### **Wednesday, Aug. 31**

Inquiry Concerning a Judge No. 15-594 re: Gregory Holder, [SC16-970](#)

Hillsborough County – starts about 9:00 a.m.

Circuit Judge Holder has been summoned before the Court to receive a public reprimand for ethical misconduct.

Calvin Weatherspoon v. State, [SC15-1542](#)

Palm Beach County – starts about 9:10 a.m.

Mr. Weatherspoon was convicted of three counts of attempted first-degree murder and other charges, including robbery with a firearm and aggravated assault, after the robbery of a Dunkin Donuts. He was sentenced to seven life sentences. On appeal, he argued the trial court erred in instructing the jury on the charge of attempted felony murder, when the charging document neither cited the statute for that crime nor alleged all of the essential elements of that crime. The Fourth District Court of Appeal upheld his convictions but certified the legal issue in his appeal as one of great public importance for this Court's review.

--10 minute break--

Richard Debrincat, et al., v. Stephen Fischer, [SC15-1477](#)

Palm Beach County – starts about 10:00 a.m.

Mr. Debrincat and others sued Mr. Fischer and others, alleging defamation and conspiracy, among other things. However, Mr. Fischer was dropped from the suit. He then counter-sued, alleging malicious prosecution. Mr. Debrincat argued the legal doctrine of litigation privilege barred Mr. Fischer's countersuit. The trial court agreed. But the Fourth District Court of Appeal overturned the trial court, ruling for Mr. Fischer. Mr. Debrincat asked this Court to review, alleging the 4th DCA decision conflicts with rulings from this Court as well as the Third District Court of Appeal.

Victor Guzman v. State, [SC13-1002](#)

Dade County – starts about 10:40 a.m.

Mr. Guzman was convicted of the first-degree murder of 80-year-old Servina Fernandez, who was fatally stabbed and strangled in 2000. The jury voted 7-5 to recommend a death sentence and the trial court condemned him to death. This is his direct appeal.

Planned Parenthood of Greater Orlando, Inc., etc., v. MMB Properties, etc., [SC15-1655](#)

Osceola County – starts about 11:40 a.m.

Planned Parenthood opened a clinic offering a range of services, including abortions. MMB Properties, the owners of another building in the same medical park where the clinic was located, sought to prevent the clinic from providing abortions, arguing Planned Parenthood was violating deed restrictions. The trial court agreed and issued an injunction barring abortions. The Fifth District Court of Appeal upheld the ban. Planned Parenthood asked this Court to lift the injunction and review the case. This Court stayed the injunction, allowing the clinic to provide abortions, and accepted the case for review.

## **Thursday, Sept. 1**

In re: Amendments to the Florida Evidence Code, [SC16-181](#)

statewide – starts about 9:00 a.m.

The Code and Rules of Evidence Committee of The Florida Bar has submitted its recommendations on changes to the Florida Evidence Code enacted by the Legislature. The committee recommends this Court not adopt changes to the standard for the admissibility of scientific evidence that would make the standard consistent with the federal standard. It also recommends the Court not adopt changes affecting some expert testimony in medical malpractice cases. The committee does recommend that the Court adopt, to the extent they are procedural, changes concerning hearsay exceptions in cases of abuse reports by elderly or disabled adults.

Allstate Insurance Co. v. Orthopedic Specialists, etc., SC15-2298

Palm Beach County – starts about 10:00 a.m.

The Fourth District Court of Appeal heard an appeal consolidating 32 cases in which medical providers sued Allstate, alleging the insurer failed to fully reimburse them for care provided to people with Allstate auto policies. Allstate said it had fully reimbursed the providers and cited a provision of the insurance policies that it said allowed reimbursement to be tied to Medicare rates. The medical providers argued the provision was ambiguous. The 4th DCA agreed with the medical providers and also said its decision was in conflict with a decision by the First District Court of Appeal.

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City of Largo v. AHF-Bay Fund, LLC., SC15-1261

Pinellas County – starts about 11:00 a.m.

The Second District Court of Appeal asks this Court if the state constitution allows a city to enter into a “payment in lieu of taxes” agreement with a non-profit entity if the payment is equal to the amount of property taxes that would be collected if the property were taxable. The issue arose in a dispute between the city of Largo and AHF-Bay Fund. AHF-Bay bought affordable housing that had been developed by another non-profit group with the city’s assistance via tax-exempt bonds. The first developer had entered into the “payment in lieu of taxes” agreement with the city.

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