



Supreme Court of Florida

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Oral Argument Press Summaries March 2 and March 7-10, 2016

Wednesday, March 2

Mark Asay v. Julie L. Jones, etc., & Mark Asay v. State, [SC16-102](#) & [SC16-223](#)
Duval County – starts about 9:00 a.m.

Mr. Asay is scheduled to be executed March 17. He was convicted of the murders of Robert Booker and Robert McDowell, who were fatally shot in 1987. The jury voted 9-3 to recommend a death sentence for each murder and the trial court condemned him to death. His appeals in state and federal court were denied and the warrant scheduling his execution was signed in January. Mr. Asay filed a post-conviction challenge in trial court and it was denied. This appeal followed.

Monday, March 7

Advisory Opinion to the Attorney General Re: Rights of Electricity Consumers Regarding Solar Energy Choice & Advisory Opinion to the Attorney General Re: Rights of Electricity Consumers Regarding Solar Energy Choice (FIS), [SC15-2150](#) & [SC16-12](#) Statewide – starts about 11:00 a.m.

This Court is reviewing a proposed constitutional amendment dealing with solar power for homes. The Court reviews citizen initiatives for compliance with two requirements: the proposed amendment must deal with one issue only and the ballot title and summary must fairly describe the change to the Florida Constitution. The Court also reviews a financial impact statement prepared by state analysts estimating the potential consequences of the amendment.

Tuesday, March 8

In Re: Amendments to the Florida Rules for Certified and Court-Appointed Mediators, [SC15-875](#) statewide – starts about 9:00 a.m.

The Supreme Court Committee on Alternative Dispute Resolution Rules and Policy has proposed a complete revision of the rules dealing with discipline of certified and court-appointed mediators. The Committee argues that the revision is needed to address inconsistencies, gaps and omissions in the rules, which deal also with qualifications to become a certified mediator.

Laisha Landrum v. State, [SC15-1071](#)
Hillsborough County – starts about 9:30 a.m.

Ms. Landrum was convicted of second-degree murder. At the time of the crime, she was 16. The trial court had the discretion to sentence Ms. Landrum to either life in prison without the possibility of parole or to prison for a term of years. She was sentenced to life in prison without the possibility of parole. She asked to be resentenced. The Second District Court of Appeal ordered the trial court to consider her request in light of the ruling by the U.S. Supreme Court in Miller v. Alabama that declared unconstitutional sentencing schemes that require juveniles to life in prison without the possibility of parole without considering the juvenile's youth at the time of their crime. After considering Ms. Landrum's motion for resentencing, the trial court denied it. The 2nd DCA upheld that ruling but certified the issue as one of great public importance for this Court's review.

--10 minute break--

Frank Walls v. State, [SC15-1449](#)
Okaloosa County – starts about 10:20 a.m.

Mr. Walls was convicted of the murders of Edward Alger and Ann Peterson, who were fatally shot in 1987. The convictions were later vacated. After a second trial, Mr. Walls was again convicted of both murders. The jury unanimously recommended a death sentence for the murder of Ms. Peterson and the trial court sentenced Mr. Walls to death for that murder. Mr. Walls was sentenced to life in prison for the murder of Mr. Alger, as the jury recommended. This Court upheld the death sentence and Mr. Walls filed a post-conviction challenge in trial court. It was denied and this appeal followed.

Justices Quince and Canady recused

Paul Johnson v. State, [SC14-1175](#)

Polk County – starts about 11:00 a.m.

Mr. Johnson was convicted of the first-degree murders of William Evans, Daryl Beasley, and Deputy Theron Burnham, who were fatally shot in 1981. His convictions were overturned and he was retried a second time. He was again convicted and sentenced to death for all three murders. Those death sentences were vacated and he had a new penalty hearing. After a jury voted 11-1 to recommend a death sentence for each murder, he was condemned to death a third time for all three murders. This is his direct appeal of those death sentences.

Wednesday, March 9

Kathy Johnson v. Omega Insurance Co., [SC14-2124](#)

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

Ms. Johnson made a claim on her homeowner's insurance policy for structural damage to her home caused by sinkhole activity. Omega denied the claim after its engineer concluded the damage was not caused by sinkhole activity. Ms. Johnson sued Omega, citing breach of contract. Two other engineering studies concluded the damage was caused by sinkhole activity and Omega agreed to pay Ms. Johnson's claim. She then filed for attorney's fees, which Omega challenged. The trial court ruled that Ms. Johnson was entitled to payment of fees and other costs; the Fifth District Court of Appeal overturned the lower court. Ms. Johnson asked this Court to review the case, arguing the 5th DCA decision conflicts with an earlier ruling by this Court.

JBK Associates, Inc., etc. v. Sill Bros., Inc., et al., [SC15-977](#)

Palm Beach County – starts about 9:40 a.m.

After a legal dispute, JBK was awarded a judgment against Sill Bros. In an effort to collect the award, JBK went to court to garnish Sill Bros.' assets. Sill filed a motion to dissolve the writ of garnishment, arguing the accounts held the funds he received from the sale of his home and were shielded by the Homestead Exemption provision in the Florida Constitution. The trial court dissolved the writ and the Fourth District Court of Appeal upheld that ruling. JBK asked this Court to review the case, arguing it was in conflict with an earlier decision by this Court.

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Terrance Phillips v. State, [SC12-876](#)
Duval County – starts about 10:30 a.m.

Mr. Phillips was convicted of the first-degree murders of Reynaldo Antunes-Padilla and Mateo Hernandez-Perez, who were fatally shot in 2009. The jury voted 8-4 to recommend a death sentence for each murder and Mr. Phillips was condemned to death. This is his direct appeal.

Tavares Wright v. State, [SC13-1213](#)
Polk County – starts about 11:30 a.m.

Mr. Wright was convicted of the first-degree murders of David Green and James Felker, who were fatally shot in 2000. Mr. Wright waived his right to a penalty phase jury recommendation and the trial court sentenced him to death for each murder. This Court upheld the death sentence and Mr. Wright filed a post-conviction challenge in the trial court. It was denied and this appeal followed.

Thursday, March 10

Wells Fargo Bank, N.A., et al. v. Pruco Life Insurance Co., [SC15-382](#)
Starts about 9:00 a.m.

The U.S. 11th Circuit Court of Appeals is considering two unrelated federal lawsuits dealing with the validity of life insurance policies sold to elderly Floridians and then later sold to third parties. The federal appellate court has asked this Court to determine which of two Florida laws controls the disputes. One statutory provision gives insurers two years to contest a policy. The other provision requires the existence of an “insurable interest” when a policy is created.

William Kopsho v. State & William Kopsho v. Julie L. Jones, etc., [SC15-1256](#) & [SC15-1762](#)
Marion County – starts about 9:40 a.m.

Mr. Kopsho was convicted of the first-degree murder of his wife, Lynne Kopsho, who was fatally shot in 2000. He was sentenced to death but his conviction was overturned on appeal. He was retried and convicted again. The jury voted 10-2 to recommend a death sentence and the trial court condemned Mr. Kopsho to death. This Court upheld the death sentence and Mr. Kopsho filed a post-conviction challenge in trial court. It was denied and this appeal followed.

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Kenneth Jackson v. State, [SC13-1232](#)
Hillsborough County – starts about 10:30 a.m.

Mr. Jackson was convicted of the first-degree murder of Cuc Thu Tran, who was sexually assaulted and fatally stabbed in 2007. The jury voted 11-1 to recommend a death sentence and the trial court condemned him to death. This is his direct appeal.

Leandro de la Fuente, et al., v Florida Insurance Guaranty Association, [SC15-519](#)
Hillsborough County – starts about 11:30 a.m.

Mr. de la Fuente's insurer denied a claim for sinkhole damage to his home. When the insurer later was declared insolvent, the Florida Insurance Guaranty Association became involved, as provided by state law. FIGA told Mr. de la Fuente that it would pay for repairs but that, as required by state law, the payments would go directly to the contractors. Mr. de la Fuente challenged that and the trial court agreed with him. But the Second District Court of Appeal overturned the trial court's ruling and also certified the legal issues involved to be of great public importance for this Court's review.

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