



Supreme Court of Florida

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Oral Argument Press Summaries November 3 to 5 & 10, 2015

All times are Eastern.

Tuesday, Nov. 3

State v. Donna Horwitz, SC15-348
Palm Beach County | 9:00 a.m.

Ms. Horwitz was convicted of first-degree murder with a firearm and sentenced to life in prison for the 2011 killing of her ex-husband, Lanny Horwitz. On appeal, she argued that, because she did not testify at trial, the judge erred in allowing evidence that she was silent before she was arrested and before she was advised of her constitutional right to remain silent. The Fourth District Court of Appeal agreed and overturned her conviction but also certified the issue as one of great public importance for this Court's review.

Lancelot Armstrong v. State & Lancelot Armstrong v. Julie L. Jones, etc., [SC14-1967](#) & [SC15-767](#)

Broward County | Approx. 9:40 a.m.

Mr. Armstrong was convicted of the first-degree murder of Sheriff Deputy John Greeney, who was fatally shot in 1990. The jury voted 9-3 to recommend a death sentence and Mr. Armstrong was condemned to death. This Court upheld the sentence and Mr. Armstrong filed a post-conviction challenge in trial court. It was denied and this appeal followed.

Kentrell Johnson v. State, [SC14-1966](#)

St. Johns County | Approx. 10:30 a.m.

Mr. Johnson was convicted of the first-degree murder and kidnapping of Vincent Binder, who was fatally stabbed and chopped in 2010. The jury voted unanimously to recommend a death sentence and Mr. Johnson was condemned to death. This is his direct appeal.

Wednesday, Nov. 4

Lewis Bartram v. U.S. Bank National Association, etc., et al., The Plantation at Ponte Vedra, Inc., v. U.S. Bank National Association etc., et al., Gideon Gratsiani v. U.S. Bank National Association, etc., et al., [SC14-1265](#), [SC14-1266](#), [SC14-1305](#)

St. Johns County | 9:00 a.m.

U.S. Bank National Association filed to foreclose on Mr. Bartram after he defaulted on his mortgage. Five years later, the trial court dismissed the case when the lender did not show up for a case management hearing. A year later, the trial court ruled the mortgage was cancelled because the lender had let the case sit for more than the five years allowed by state statute. The Fifth District Court of Appeal overturned the trial court and certified the issue in this case and two related cases as one of great public importance for this Court's review.

Joseph Wiggins v. Florida Department of Highway Safety & Motor Vehicles, [SC14-2195](#)

Duval County | Approx. 9:40 a.m.

After Mr. Wiggins was arrested and charged with drunken driving, he refused to submit to a breath-alcohol test and the officer suspended his driver's license. Mr. Wiggins requested a review by a hearing officer, who upheld the license suspension. Mr. Wiggins appealed to the circuit court. The circuit court ruled for Mr. Wiggins, finding that a video of the arrest contradicted the officer's testimony. The Department of Highway Safety & Motor Vehicles appealed to the First District Court of Appeal, which ruled the

circuit court had erred when it relied on the video. The 1st DCA also certified the issue as one of great public importance for this Court's review.

Rodney Newberry v. State, [SC14-703](#)
Duval | Approx. 10:30 a.m.

Mr. Newberry was convicted of the first-degree murder of Terrese Pernell Stevens, who was fatally shot in 2009. The jury voted 8-4 to recommend a death sentence and Mr. Newberry was condemned to death. This is his direct appeal.

Hugo Miranda v. State, [SC14-888](#)
Miami-Dade County | Approx. 11:30 a.m.

Mr. Miranda was arrested and charged with the aggravated stalking of two minors. After being released on bond, he was arrested and charged again after a second alleged incident. He was found incompetent to go to trial and the trial court later ruled he could not be involuntarily committed because he was not a danger to himself or others. The state appealed. The Third District Court of Appeal ruled that the trial court erred in not holding an evidentiary hearing. It also ruled a trial court can order that a mentally incompetent defendant be held in jail for treatment. Mr. Miranda argues this ruling conflicts with decisions by three other Florida district courts of appeal.

Thursday, Nov. 5

Florida Department of Revenue v. American Business USA Corp., [SC14-2404](#)
Broward County | 9:00 a.m.

American Business, an online retailer that sells flowers and gift baskets, challenged a sales tax assessment levied by the state on out-of-state deliveries. The administrative law judge upheld the assessment and the retailer appealed to the Fourth District Court of Appeal, challenging taxation of items sold to customers outside of Florida. The 4th DCA ruled that the Florida law that applies the state's sales tax on out-of-state flower deliveries was unconstitutional as applied. The state Department of Revenue appealed to this Court.

State v. Robert Floyd, [SC14-2162](#)
Santa Rosa County | Approx. 9:40 a.m.

Mr. Floyd was convicted of second-degree murder in the fatal shooting of Getyron Benjamin in 2010 and sentenced to 30 years in prison. On appeal, the First District Court of Appeal reversed his conviction for fundamental error, ruling that the trial court's instructions to the jury were contradictory and undercut Mr. Floyd's "stand your ground"

defense. The 1st DCA then certified the issue as one of great public importance for this Court's review.

Khalid Pasha v. State, [SC13-1551](#)
Hillsborough County | Approx. 10:30 a.m.

Mr. Pasha was convicted of the first-degree murders of his wife, Robin Canady, and his step-daughter, Reneesha Singleton, who both died of fatal knife wounds in 2002. He was sentenced to death. This Court overturned his convictions and he was retried. He was convicted a second time. The jury voted 11-1 to recommend death sentences and Mr. Pasha was sentenced to death for each murder a second time. This is his direct appeal of his current death sentences.

Donald Banks v. State & Donald Banks v. Julie L. Jones, etc., [SC14-979](#) & [SC15-297](#)
Duval County | Approx. 11:10 a.m.

Mr. Banks was convicted of the first-degree murder of Linda Volum, who was fatally stabbed in 2005. The jury voted 10-2 to recommend a death sentence and the trial court condemned him. This Court upheld the sentence and Mr. Banks filed a post-conviction challenge in trial court. It was denied and this appeal followed.

Tuesday, Nov. 10

The League of Women Voters of Florida, etc., et al., v. Ken Detzner, et al., [SC14-1905](#)
Statewide Impact | 2:00 p.m.

In this case, the Court reviews proposed changes to the map of Florida's congressional districts. The Court ordered revisions because the map drawn by the Legislature failed to meet new standards voters added to the state constitution. After the Legislature did not enact a new map during an August special session, the trial court that heard the original challenge to the map drawn by state lawmakers recommended this Court adopt a map submitted by the League of Women Voters. The state House and Senate have submitted their own proposals based on maps considered during the special session.

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