



# Supreme Court of Florida

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## Oral Argument Press Summaries Week of October 5, 2015

*There are no arguments on October 5 or October 9  
All times are Eastern Time*

**Tuesday, Oct. 6**

*Justice Perry recused*

Inquiry Concerning a Judge, re Debra Krause, [SC13-2263](#)  
Seminole County – 9:00 a.m.

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

Joseph Clarke et al. v United States of America, [SC15-506](#)  
Miami-Dade County – Aprox. 9:10 a.m.

The 11th U.S. Circuit Court of Appeals has asked this Court whether a person is convicted under Florida law if the trial court withholds adjudication of guilt after a

defendant has pled guilty. The issue arose in an appeal by Bobby Jenkins, who was prosecuted in federal court with co-defendant Mr. Clarke. Mr. Jenkins was convicted of the federal crime of possession of a firearm by a convicted felon. His status as a convicted felon was based on an earlier state case, in which Mr. Jenkins pled guilty in state court to drug possession and the trial judge withheld adjudication of guilt.

Steven Cozzie v. State, [SC13-2393](#)  
Walton County – Approx. 9:50 a.m.

Mr. Cozzie was convicted of the first-degree murder, sexual battery, aggravated child abuse, and kidnapping of a 15-year-old girl who was raped, beaten and strangled in 2011. The jury voted unanimously to recommend a death sentence and Mr. Cozzie was condemned to death. This is his direct appeal.

Lennart Koo v. State, [SC14-2347](#)  
Duval County – Approx. 10:50 a.m.

Mr. Koo was convicted of burglary with a firearm and sentenced to 10 years in prison. He asked for a new trial, arguing the state's key witness had recanted his trial testimony in a letter to the judge a few weeks after the verdict. The trial judge rejected his motion and the First District Court of Appeal upheld that ruling. This appeal followed.

Donald Williams v. State, [SC14-814](#)  
Lake County – Approx. 11:30 a.m.

Mr. Williams was convicted of the first-degree murder of Janet Patrick, an elderly woman who disappeared in 2010 and whose body was found several days later in a wooded area. The jury voted 9-3 to recommend a death sentence and Mr. Williams was condemned to death. This is his direct appeal.

### **Wednesday, Oct. 7**

Juan Mendez Jr., etc., v Hampton Court Nursing Center, LLC., [SC14-1349](#)  
Miami-Dade County – 9:00 a.m.

The estate of Juan Mendez, Sr. is suing his former nursing home Hampton Court, alleging that its negligent care is responsible for Mr. Mendez' losing his eye. Pursuant to Hampton Court's admissions agreement, the trial court ordered arbitration and the Third District Court of Appeal upheld that ruling. This appeal followed.

Eileen Hernandez, M.D., et al., v. Lualhati Crespo, et al., [SC15-67](#)  
Orange County – Approx. 9:40 a.m.

Dr. Hernandez was sued for medical malpractice by Mrs. Crespo and her husband after Mrs. Crespo's pregnancy ended in a stillbirth. Dr. Hernandez filed a motion to compel arbitration, which the Crespos opposed. The trial court granted the motion and the Crespos appealed. The Fifth District Court of Appeal overturned the trial court's order and certified conflict with the Second District Court of Appeal in a case involving the same legal issue. This appeal followed.

Henry Jones v. State, [SC14-990](#)  
Brevard County – Approx. 10:30 a.m.

Mr. Jones was convicted of the first-degree murder of Carlos Perez, who was fatally injured in 2003 when he was strangled and his neck slashed. The jury voted unanimously to recommend a death sentence and Mr. Jones was condemned to death. This is his direct appeal.

John Mosley v. State & John Mosley v. Julie L. Jones, [SC14-436](#) & [SC14-2108](#)  
Duval County – Approx. 11:30 a.m.

Mr. Mosley was convicted of the first-degree murders of Lynda Wilkes and their infant son, Jay-Quan, who were killed in 2004. The jury recommended a life sentence for the murder of Ms. Wilkes, who was strangled, and voted 8-4 to recommend death for the murder of the baby, whose body was never found. Mr. Mosley was condemned to death for Jay-Quan's murder. This Court upheld the sentence and Mr. Mosley filed a post-conviction challenge in trial court. It was denied and this appeal followed.

### **Thursday, Oct. 8**

State v. Jimmy Moore Jr., [SC13-1236](#)  
Madison County – 9:00 a.m.

Mr. Moore was convicted of second-degree murder of Jaguar Gee. On appeal, he argued there were fundamental problems with the instructions given to his jury. The First District Court of Appeal overturned his conviction, ruling there were problems. The 1st DCA ruled that Mr. Moore had waived his right to challenge one of the problems but not the other. The 1st DCA also certified the legal issue as one of great public importance, asking this Court to reconsider an earlier decision and to clarify the standard to be used in similar cases in the future.

Justin McMillian v. State, SC14-1796  
Duval County – Approx. 9:40 a.m.

Mr. McMillian was convicted of the first-degree murder of Danielle Stubbs, who was fatally shot in 2009. The jury voted 10-2 to recommend a death sentence and the trial court condemned him. This Court upheld the sentence and Mr. McMillian filed a post-conviction challenge in trial court. It was denied and this appeal followed.

Ralph Monroe v. State, SC14-2296  
Leon County – Approx. 10:30 a.m.

Mr. Monroe was convicted of sexual battery on a child under 12 by a defendant 18 years or older and sentenced to life in prison without the possibility of parole. On appeal, he argued that the state had not proved that he had turned 18 before the crime. The First District Court of Appeal noted that the evidence of Mr. Monroe's age at the time was disputed, but concluded that it could not grant his appeal because his trial attorney failed to make a motion for acquittal. The 1st DCA also certified the legal issue as one of great public importance for this Court's review.

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