



# Supreme Court of Florida

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## Oral Argument Press Summaries Week of August 31, 2015

*There are no arguments on August 31 or September 4*

**Tuesday, Sept. 1**

[Inquiry Concerning a Judge, No. 14-482 re Victoria Griffin, SC15-865](#)

Indian River

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

[Advisory Opinion to the Attorney General Re: Limits or Prevents Barriers to Local Solar Electricity Supply & Advisory Opinion to the Attorney General Re: Limits or Prevents Barriers to Local Solar Electricity Supply \(FIS\), SC15-780 & SC15-890](#)  
statewide

Sponsors of a proposed constitutional amendment dealing with solar power collected 10 percent of the signatures they need to get on the ballot, warranting review by this Court of the scope of the measure and the wording of the ballot language. The Court reviews citizens' initiatives to determine compliance with two requirements: Amendments must deal with one subject only and the ballot title and summary must

fairly describe the amendment. The Court also reviews a financial impact statement prepared by state analysts.

Rodney Lowe v. State, [SC12-263](#)

Indian River

Mr. Lowe was convicted of the first-degree murder of Donna Burnell, who was fatally shot in 1990. He was sentenced to death but the sentence was later overturned and a new penalty hearing held. The jury voted unanimously to recommend a death sentence and he was condemned a second time. This is his direct appeal of his second death sentence.

Leo Kaczmar III v. State, [SC13-2247](#)

Clay

Mr. Kaczmar was convicted of the first-degree murder of Maria Ruiz, who was fatally stabbed in 2008. He was sentenced to death but this Court overturned the sentence and ordered a new penalty hearing be held. After that second penalty hearing, the jury voted unanimously to recommend a death sentence and he was condemned a second time. This is his direct appeal of his second death sentence.

Rodolfo Valladares v. Bank of America Corp., etc., [SC14-1629](#)

Dade

Mr. Valladares went to his bank to cash a check for \$100. His appearance reminded his teller of a photo of a robbery suspect. She triggered the alarm and police stormed the branch. Mr. Valladares was hurt in the incident and sued the bank for negligence, arguing it had failed to train its staff. The jury awarded him \$2.6 million in compensation for his injuries and \$700,000 in punitive damages. The Third District Court of Appeal reversed the judgment, based on this Court's decision that protects private citizens from being sued for calling the police.

**Wednesday, Sept. 2**

John Sebo, et al., v. American Home Assurance Co., Inc., [SC14-897](#)

Collier

Mr. Sebo's home sustained serious water damage in the months before and immediately after Hurricane Wilma in 2005. The damage was caused by problems in construction and heavy rains and wind. The trial court awarded him \$8 million under his all-risks policy with American Home. The Second District Court of Appeal reversed that decision, ruling a different legal doctrine should be used to assess liability in a case where there is more than one cause for the damage.

Joseph Chirillo Jr., M.D., et al. v. Robert Granicz, etc., et al., [SC14-898](#)

Sarasota

After Jacqueline Granicz committed suicide, her husband sued Dr. Chirillo for medical malpractice, alleging he failed in his duty to a patient suffering from depression and reporting new symptoms. The trial court ruled that Dr. Chirillo was not responsible for the suicide of an outpatient who showed no suicidal tendencies. The Second District Court of Appeal reversed and certified conflict with a ruling by the First District Court of Appeal in a similar case.

Donald Williams v. State, [SC14-814](#)

Lake

**Removed from the calendar and rescheduled for October.**

Justin Heyne v. State, [SC14-1800](#)

Brevard County

Mr. Heyne was convicted of the first-degree murders of Benjamin Hamilton, Sarah Buckoski and their 5-year-old daughter, Ivory Hamilton. All three were fatally shot in 2006. The trial court sentenced Mr. Heyne to life in prison for the murders of the parents and to death for the murder of the child. This Court upheld all three convictions and the death sentence, which had been recommended by the jury by a 10-2 vote. Mr. Heyne filed a post-conviction challenge in trial court. It was denied and this appeal followed.

**Thursday, Sept. 3**

Thomas Daugherty v. State, [SC14-860](#)

Broward

Mr. Daugherty was convicted of the second-degree murder of Norris Gaynor, who was fatally beaten in 2006. Mr. Daugherty was also convicted of the attempted second-degree murders of two other men. He was sentenced to life in prison for the murder and 30 years in prison for the attempted murders. On appeal, the Fourth District Court of Appeal sent the case back to the trial court to reconsider the life sentence. The trial court reduced the life sentence to 40 years in prison. In this appeal, Mr. Daugherty challenges the wording of instructions to the jury.

Stanley McCloud v. State, [SC14-1150](#)

Marion

Mr. McCloud was convicted of the second-degree murder of his wife, Sandra, who was fatally shot. He was sentenced to life in prison. The Fifth District Court of Appeal originally upheld his conviction but this Court quashed that ruling and directed

the 5th DCA to review the case again. On review, the District Court upheld the conviction, ruling that an error in the jury instructions was harmless error.

Khadafy Mullens v State, [SC13-1824](#)  
Pinellas

Mr. Mullens pleaded guilty to the first-degree murders of Ronald Hayworth and Mohammad Uddin, who were fatally shot in 2008. He waived his right to a penalty hearing before a jury and the trial judge sentenced him to death for each murder. This is his direct appeal.

Charles Brant v State; Charles Brant v Julie L. Jones, etc., [SC14-787](#) & [SC14-2278](#)  
Hillsborough

Mr. Brant was convicted of the first-degree murder of his neighbor, who was raped and fatally strangled in her home in 2004. He pleaded guilty to the charges and waived his right to a penalty hearing before a jury. The judge sentenced him to death. This Court upheld the sentence on direct appeal and Mr. Brant filed a post-conviction challenge in trial court. It was denied and this appeal followed.

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