



Supreme Court of Florida

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Oral Argument Press Summaries Week of Nov. 3-7, 2014

There are no arguments on Nov. 3 or Nov. 7

Tuesday, Nov. 4

Inquiry Concerning a Judge, No. 13-17 Re: Sandy K. Kautz, [SC13-2262](#)

Citrus County– starts about 9:00 a.m.

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

Delmer Smith v. State, [SC13-1550](#)

Manatee County – starts about 9:10 a.m.

Mr. Smith was convicted of the first-degree murder of Kathleen Briles, who was fatally beaten in 2009. The jury voted unanimously to recommend the death penalty and the trial court condemned Mr. Smith to death. This is his direct appeal.

--10-minute break--

Florida Dept. of Transportation v. Dorthy Schwefringhaus et al., [SC14-69](#)

Pasco County – starts about 10:20 a.m.

Dorthy Schwefringhaus was hurt and her husband fatally injured in a traffic collision at a railroad crossing on a state highway. She sued CSX, the owner of the tracks, for negligence, arguing the condition of the crossing caused the collision. CSX settled with Ms. Schwefringhaus and then sued the state Department of Transportation, arguing its contract with the DOT included an indemnity clause shielding CSX from liability in such cases. The trial court entered judgment in favor of CSX. The Second District Court of Appeal upheld that decision and DOT asked this Court to review the case.

Wednesday, Nov. 5

Marvin Castellanos v. Next Door Company, et al. [SC13-2082](#)

Miami-Dade County – starts about 9:00 a.m.

Mr. Castellanos, an injured worker, filed a claim for workers' compensation benefits, which his employer, Next Door, contested. A judge of compensation claims awarded Mr. Castellanos benefits, attorney's fees, and costs. Under a new provision of Florida's workers' compensation law, however, the award of attorney's fees is limited to a calculation based on a fee schedule. Mr. Castellanos challenged the constitutionality of that provision. The First District Court of Appeal upheld the fee awarded by the judge of compensation claims but asked this Court to consider the constitutionality of the provision.

Michael Hernandez Jr. v. State & Michael Hernandez Jr. v. Michael Crews, [SC13-718](#) & [SC13-2330](#)

Santa Rosa County – starts about 9:40 a.m.

Mr. Hernandez was convicted of the first-degree murder of Ruth Everett, who died from a broken neck, a cut throat or both in 2004. The jury voted 11-1 to recommend the death penalty and the trial court condemned Mr. Hernandez to death. This Court upheld his sentence on direct appeal and Mr. Hernandez filed a postconviction challenge in trial court. It was denied and this appeal followed.

--10-minute break--

Kim Jackson v. State, [SC13-2090](#)
Duval County – starts about 10:30 a.m.

Mr. Jackson was convicted of the first-degree murder of Debra Pearce, who was fatally stabbed in 2004. The jury voted 8-4 to recommend the death penalty and the trial court condemned Mr. Jackson to death. This is his direct appeal.

Ivana Vidovic Mlinar v. United Parcel Service, Inc., et al., [SC14-54](#)
Palm Beach County – starts about 11:30 a.m.

Ms. Mlinar paid to ship two oil paintings to New York. When the container arrived, it was empty. She sued UPS and others, alleging a scheme designed to profit from the sale of goods stolen during the shipping process. UPS argued that a provision of federal law in place for more than a century shielded it from Ms. Mlinar's suit. The trial court agreed and dismissed the suit. The Fourth District Court of Appeal upheld that decision but certified some conflict with a decision by the Fifth District Court of Appeal.

Thursday, Nov. 6

Rebecca Falcon v. State & Anthony Horsley Jr. v. State & State v. Horsley, [SC13-865](#), [SC13-1938](#), [SC13-2000](#)
Bay and Brevard Counties – starts about 9:00 a.m.

Ms. Falcon was sentenced to life in prison without the possibility of parole after being convicted of a first-degree murder she committed at the age of 15. Mr. Horsley was also sentenced to life in prison without the possibility of parole after being convicted of a first-degree murder he committed at the age of 17. The U.S. Supreme Court ruled in 2012 that juveniles could not be sentenced to life in prison without parole if courts did not consider their youth in the sentencing process. Ms. Falcon and Mr. Horsley are asking this Court for relief in the light of that federal decision.

Larry Williams v. State, [SC13-2315](#)
St. Lucie County – starts about 10:00 a.m.

Mr. Williams was arrested on drug charges. He argued the evidence should not be allowed at trial because the deputy did not have a reasonable suspicion to stop him and thus violated the Fourth Amendment. The trial judge denied his motion. Mr. Williams pleaded no contest to the charges and reserved the issue for appeal. The Fourth District Court of Appeal upheld the trial court's ruling on Mr. Williams' motion.

--10-minute break—

Mark Twilegar v. State, [SC13-2169](#)

Lee County – starts about 10:50 a.m.

Mr. Twilegar was convicted of the first-degree murder of David Thomas, who was fatally shot in 2002. Mr. Twilegar waived his right to a penalty phase jury and the trial court condemned him to death. This Court upheld his sentence on direct appeal and Mr. Twilegar filed a postconviction challenge in trial court. It was denied and this appeal followed.

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