



Supreme Court of Florida

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Oral Argument Press Summaries For Oct. 6 through 9, 2014

There are no arguments on Oct. 10

Monday, Oct. 6

Corey Smith v. State & Corey Smith v. Michael Crews, [SC12-2466](#) & [SC13-2112](#)
Miami-Dade County – starts about 9:00 a.m.

Mr. Smith was convicted in 2004 of the first-degree murders of Cynthia Brown and Angel Wilson. Ms. Brown was smothered in 1997 and Ms. Wilson was shot in 1998. The jury voted 10-2 to recommend the death penalty for the murder of Ms. Brown and 9-3 to recommend the death penalty for the murder of Ms. Wilson. The trial court condemned Mr. Smith in both cases and this Court upheld the death sentences on direct appeal. Mr. Smith filed a postconviction challenge in trial court. It was denied and this appeal followed.

Roderick Orme v. State & Roderick Orme v. Michael Crews, [SC13-819](#) & [SC14-22](#)
Bay County - starts about 9:40 a.m.

Mr. Orme was convicted of the first-degree murder of Lisa Redd, who was beaten and strangled in 1992. He was condemned to death but this Court later reversed the sentence. At his second re-sentencing hearing, the new jury voted 11-1 to recommend the death penalty. The trial court again condemned Mr. Orme. This Court upheld the second death sentence on direct appeal and Mr. Orme filed a postconviction challenge in trial court. It was denied and this appeal followed.

--10-minute break--

Abel Limones Sr. & Sanjuana Castillo v. Lee County School District, et al., [SC13-932](#)
Lee County - starts about 10:30

The parents of Abel Limones Jr. sued the Lee County School District and the School Board of Lee County after their 15-year-old son collapsed during a soccer game and suffered severe brain damage. They accused school employees of negligence because they did not use a nearby defibrillator on their son. The trial court granted summary judgment for the defendants and the Second District Court of Appeal upheld that decision.

Tuesday, Oct. 7

Miguel Oyola v. State, [SC13-2048](#)
Jefferson County – starts about 9:00 a.m.

Mr. Oyola was convicted of the 2007 first-degree murder of Michael Gerrard, who was fatally beaten and stabbed. Based upon a 9-3 jury recommendation, the trial court sentenced him to death. This Court upheld the conviction, but concluded that there were procedural inadequacies in the sentencing order. The Court remanded the case to the trial court for a revised order, and the trial court sentenced him to death again. This is Mr. Oyola's direct appeal of the revised sentencing order.

Citizens Property Insurance Corp. v. Perdido Sun Condominium Association, Inc., [SC14-185](#)
Escambia County – starts about 9:40 a.m.

Perdido had a windstorm policy with Citizens and filed a claim for damage caused by Hurricane Ivan. Later, Perdido sued Citizens for breach of contract and was awarded \$5.6 million. The First District Court of Appeal upheld the judgment. Perdido then sued Citizens again, arguing the insurer had violated a state law that requires insurers to settle claims in good faith. Citizens argued it was immune from such a lawsuit under the law that created it as a government entity providing last-resort insurance coverage. The trial court dismissed the lawsuit but the 1st DCA overturned that order, certified conflict with the Fifth District Court of Appeal and certified a question of great public importance.

--10-minute break--

Noel Plank v. State, [SC14-414](#)

Leon County – starts about 10:30 a.m.

After reporting for jury duty, Mr. Plank asked to be dismissed for various reasons. His initial request was denied. He fell asleep during jury questioning and was difficult to awaken. A Breathalyzer test indicated his blood alcohol level was 0.111. The judge convicted him of direct criminal contempt and sentenced him to 30 days in jail. She ordered him released after 15 days. Mr. Plank appealed to the First District Court of Appeal, asserting the judge erred by convicting him and sentencing him to jail without giving him an attorney. The 1st DCA disagreed that he had the right to an attorney for a contempt proceeding and certified conflict with the Second District Court of Appeal.

Wednesday, Oct. 8

Inquiry Concerning a Judge Re: Brenda Tracy Sheehan, [SC14-136](#)

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

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

Jerone Hunter v. State & Jerone Hunter v. Michael Crews, [SC12-246](#) & [SC14-88](#)

Volusia County – starts about 9:40 a.m.

Mr. Hunter was convicted of the first-degree murders of Erin Belanger, Roberto Gonzalez, Michelle Nathan, Anthony Vega, Jonathon Gleason and Francisco Ayo-Roman, who were fatally beaten with a baseball bat in 2004. The jury voted to recommend death sentences for four of the six murders, by margins of 10-2 in two cases and 9-3 in two cases. The jury also recommended life imprisonment for two murders. The trial court condemned Mr. Hunter as recommended by the jury. This Court upheld the death sentences on direct appeal and Mr. Hunter filed a postconviction challenge in trial court. It was denied and this appeal followed.

--10-minute break--

Robert Hobart v. State, [SC13-2](#)

Santa Rosa County – starts about 10:30 a.m.

Mr. Hobart was convicted of the first-degree murders of Robert Hamm and Tracie Tolbert, who were fatally shot in 2010. The jury voted 7-5 to recommend the death penalty for the murder of Ms. Tolbert and voted to recommend a life sentence for the murder of Mr. Hamm. The trial court condemned Mr. Hobart as recommended by the jury. This is his direct appeal.

Thursday, Oct. 9

Leon Davis Jr. v State, [SC11-1122](#)
Polk County – starts about 9:00 a.m.

Mr. Davis was convicted of the first-degree murders of Yvonne Bustamante, Juanita Luciano and Michael Bustamante. Ms. Bustamante and Ms. Luciano were doused with gas and set on fire in 2007. The jury voted unanimously to recommend the death penalty for the murders of the two adults and 8-4 to recommend the death penalty for Michael Bustamante, whose premature birth was induced while his mother, Ms. Luciano, was in a coma. The trial court condemned Mr. Davis to death for the murders of the two adults. This is his direct appeal.

Leon Davis Jr. v State, [SC13-1](#)
Polk County – starts about 9:40 a.m.

Mr. Davis was convicted of the first-degree murders of Pravinkumar Patel and Dashrath Patel, who were fatally shot in 2007. Mr. Davis waived his right to a jury recommendation and the trial court condemned him to death for both murders. This is his direct appeal.

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