



# Supreme Court of Florida

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## Oral Argument Press Summaries For Sept. 17 through 19, 2014

*There are no arguments on Sept. 15 or 16*

### Wednesday, Sept. 17

Dwight Eaglin v. State & Dwight Eaglin v. Michael D. Crews, etc., [SC12-1760](#) & [SC13-1785](#)

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

Mr. Eaglin was convicted of the first-degree murders of Darla Lathrem, a correctional officer, and Charles Fuston, a prisoner, who were fatally beaten in 2003. The jury voted 8-4 to recommend the death penalty for each murder and the trial court condemned Mr. Eaglin. This Court upheld the death sentences on direct appeal and Mr. Eaglin filed a postconviction challenge in trial court. It was denied and this appeal followed.

Robert McCloud v. State, [SC12-2103](#)

Polk County – starts about 9:40 a.m.

Mr. McCloud was convicted of the first-degree murders of Tamiqua Taylor and Dustin Freeman, who were fatally shot in 2009. The jury voted 8-4 to recommend the death penalty for each murder and the trial court condemned Mr. McCloud. This is his direct appeal.

--10-minute break--

State v. Michael Perez, [SC13-1958](#)  
Dade County – starts about 10:50 a.m.

Mr. Perez pled guilty to the second-degree murder of Jimmy Ramirez, who was fatally shot in 1999. Several years later, Mr. Perez tried to withdraw his guilty plea, arguing new evidence showed he was not the killer. The trial court ruled the evidence cited by Mr. Perez was insufficient and denied his motion. The Third District Court of Appeal overturned the trial court, ruling Mr. Perez was entitled to a hearing on his claim. The 3rd DCA also certified a question to this Court concerning the definition of “manifest injustice.”

Diana Coba v. Tricam Industries, Inc., [SC12-2624](#)  
Dade County – starts about 11:30 a.m.

Roberto Coba was fatally injured when he fell from an extension ladder. His widow, Diana Coba, sued the company that made and the company that sold the ladder, arguing a design defect in the ladder caused her husband’s fall. The jury found that ladder did not have a design defect that caused the fall, but held that the companies were negligent. The Third District Court of Appeal ruled that this was an inconsistent verdict and that because Ms. Coba presented evidence establishing only a design defect, the trial court should have set the verdict aside and ruled for the companies.

#### **Thursday, Sept. 18**

Pinkney Carter v. State, [SC13-1076](#)  
Duval County – starts about 9:00 a.m.

Mr. Carter was convicted of the first-degree murders of Glenn Pafford, Elizabeth Reed and 16-year-old Courtney Smith, who were fatally shot in 2002. The jury voted 9-3 to recommend the death penalty for the murder of Mr. Pafford and 8-4 to recommend the death penalty for the murder of Ms. Reed. The jury voted to recommend a life sentence for the murder of Ms. Smith. The trial court followed the jury’s recommendations and condemned Mr. Carter to death for the murders of the two adults. This Court upheld the death sentences on direct appeal and Mr. Carter filed a postconviction challenge in trial court. It was denied and this appeal followed.

Gerhard Hojan v. State & Gerhard Hojan v. Michael D. Crews, etc., [SC13-5](#) & [SC13-2422](#)  
Broward County – starts about 9:40 a.m.

Mr. Hojan was convicted of the first-degree murders of Christina De La Rosa and Willy Absolu, who were fatally shot in 2002. The jury voted 9-3 to recommend the death penalty for each murder and the trial court condemned Mr. Hojan. This Court upheld the death sentences on direct appeal and Mr. Hojan filed a postconviction challenge in trial court. It was denied and this appeal followed.

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The Estate of Ellen Lucille Smith, etc., et al v. Southland Suites of Ormond Beach, LLC, [SC10-631](#)

Volusia County – starts about 10:30 a.m.

After her mother's death, Roxanne Horn sued Southland Suites, alleging its assisted living facility was negligent in its care of her mother. Southland argued the allegation had to go to binding arbitration because Ms. Horn had agreed to that condition when she admitted her mother to its facility. Ms. Horn argued her power of attorney to handle her mother's affairs did not allow her to limit her mother's right to go to court. The trial court and the Fifth District Court of Appeal both agreed with Southland.

Steve Griffin v. State, [SC13-2450](#)

Sarasota County – starts about 11:10

Mr. Griffin was convicted of the second-degree murder of Thomas Mills, who was fatally shot in 2011, and was sentenced to 45 years in prison. He appealed to the Second District Court of Appeal, arguing the trial court had given the jury the wrong instruction on the lesser crime of manslaughter. The 2nd DCA denied his appeal and Mr. Griffin has asked this Court to review that decision.

**Friday, Sept. 19**

Pat Bainter, et al., as Non-Parties v. League of Women Voters of Florida, et al., [SC14-1200](#)

Duval County – starts about 9:00 a.m.

This case stems from a dispute over alleged evidence about the drawing of Florida's congressional districts in 2012. As part of their lawsuit challenging how state officials drafted the state's redistricting plan, the League of Women Voters of Florida and other critics asked to see documents held by Mr. Bainter, a political consultant, his company and two employees. Mr. Bainter argued he should not have to turn over the documents because they were protected by his First Amendment freedom of political association.

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