



Supreme Court of Florida

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Oral Argument Press Summaries Week of April 8-10, 2014

There are no arguments on April 7 or April 11. Separate summaries will be issued later for arguments at the end of April.

Tuesday, April 8

Pablo Ibar v. State & Pablo Ibar v. Michael Crews, etc., [SC12-522](#) & [SC12-2619](#)
Broward

Mr. Ibar was convicted of the first-degree murders of Casmir Sucharski, Sharon Anderson and Marie Rogers, who were fatally shot in 1994. The jury voted 9-3 to recommend a death sentence for each murder and the trial court condemned him. This Court upheld the death sentences on direct appeal and Mr. Ibar filed a postconviction challenge in trial court. It was denied and this appeal followed.

Florida Department of Transportation v. Clipper Bay Investments, LLC., [SC13-775](#)
Santa Rosa

Clipper Bay and the state Department of Transportation held competing titles to seven acres of undeveloped waterfront property. The trial court split the fee title to the land between the two parties. Both appealed that decision. The First District Court of Appeal ruled that the D.O.T. had failed to show its claim was covered by an exemption to a provision of state law that gives special status to land used to maintain roads and bridges.

William Aubin v. Union Carbide Corp., [SC12-2075](#)

Dade

Mr. Aubin sued Union Carbide, alleging he developed cancer because of exposure to asbestos in joint compounds and ceiling texture sprays that included asbestos sold by Union Carbide. He also argued Union Carbide failed to adequately warn him of the health risks of asbestos. The jury awarded Mr. Aubin damages. Union Carbide appealed and the Third District Court of Appeal overturned the trial court on both legal issues.

Wednesday, April 9

Marvin Cannon v. State, [SC13-46](#)

Gadsden

Mr. Cannon was convicted of the first-degree murder of Zachariah Morgan, who was fatally stabbed in 2010. The jury voted 9-3 to recommend a death sentence and the trial court condemned Mr. Cannon to death. This is his direct appeal.

Derrick McLean v. State & Derrick McLean v. Michael Crews, etc., [SC13-632](#) & [SC13-1788](#)

Orange

Mr. McLean was convicted of the first-degree murder of 15-year-old Jahvon Thompson, who was fatally shot in 2004. The jury voted 9-3 to recommend a death sentence and the trial court condemned him. This Court upheld the death sentence on direct appeal and Mr. McLean filed a postconviction challenge in trial court. It was denied and this appeal followed.

J.R. v. Barbara Palmer, etc., [SC13-1549](#)

statewide

J.R. filed a federal lawsuit challenging the constitutionality of Florida's law providing for involuntary civil commitment of people with intellectual disabilities. The federal district court entered summary judgment for the state's Agency for Persons with Disabilities, which Ms. Palmer directs. J.R. appealed to the 11th U.S. Circuit Court of Appeals. The 11th Circuit asked this Court to answer three questions about the requirements of the state statute being challenged. The questions address whether the law provides for periodic review of commitments and, if it does, whether that review is constitutionally sufficient.

Thursday, April 10

Travelers Commercial Insurance Co., etc., v. Crystal M. Harrington, [SC12-1257](#)
Columbia

Ms. Harrington was hurt in a single-car accident in a car owned by her father and insured by Travelers. After receiving liability benefits, she sought uninsured-motorist coverage, but Travelers denied her claim, based on a policy provision which prevented the insured family vehicle from being treated as uninsured. The trial court ruled that this provision was invalid because it conflicted with Florida's uninsured motorists statute. The First District Court of Appeal agreed but reversed the judgment awarding damages, based on other legal issues, and certified two questions to this Court as being of great public importance.

Leticia Morales et al. vs. Zenith Insurance Co., [SC13-696](#)
Statewide Impact

After Santana Morales Jr. was fatally injured on the job, his widow sued his employer for wrongful death and won a \$9.5 million judgment. The Morales family then filed a federal suit against Zenith, the employer's insurance company, in an effort to secure payment of the judgment under the employer's liability insurance policy. The federal trial court issued a judgment for Zenith, based on a workers' compensation exclusion in the policy. The Morales appealed to the 11th U.S. Circuit Court of Appeals, which certified three questions of Florida law to this Court.

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