



Supreme Court of Florida

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Oral Argument Press Summaries March 5 & 6, 2014, and March 26, 2014

*No other arguments currently are scheduled in March.
All times are subject to change with no notice. Arrive early.*

Wednesday, March 5

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

Statewide Impact

Removed from the Calendar

Todd Zommer vs. State & Todd Zommer vs. Michael Crews, etc., [SC13-717 & SC13-1675](#)

Osceola County

Tentative Time 9:00 a.m.

Mr. Zommer was convicted of the first-degree murder of Lois Robinson, a 77-year-old woman who was attacked in her home in 2005 and died from a large knife wound to her neck. The jury voted 10-2 to recommend a death sentence and the trial court condemned him. This Court upheld the death sentence on direct appeal and Mr. Zommer filed a postconviction challenge in trial court. It was denied and this appeal followed.

Thursday, March 6

Justice Pariente recused

Charles Burns, etc., et al. vs. Palms West Hospital, etc. et al., [SC12-1387](#)

Palm Beach County

Tentative Time 9:00 a.m.

The estate of Enrique Casanovas sued Palms West Hospital after his death, alleging its specialists had refused to treat him and that the hospital had negligently kept those doctors on staff after they had failed to treat other patients before him. The hospital argued the estate had ignored pre-suit requirements mandated under Florida's medical malpractice law. The trial court dismissed the hospital's motion to dismiss but the Fourth District Court of Appeal overturned the trial court. The estate argues here that this claim is not a claim for medical malpractice subject to the pre-suit requirements.

David McCulla et al. vs. Brian Rell, D.P.M. et al., [SC12-2598](#)

Manatee County

Tentative Time 9:40 a.m.

The McCullas sued Dr. Rell and Coastal Orthopedics & Sports Medicine of Southwest Florida for medical malpractice after surgeries on Mr. McCulla's foot and ankle. Dr. Rell argued the suit should be dismissed because the McCullas did not meet the pre-suit requirements detailed in Florida medical malpractice law. The trial court denied his motion to dismiss and Dr. Rell turned to the Second District Court of Appeal, which agreed with him. The McCullas then asked this Court to review the decision by the 2nd DCA.

Rebecca Falcon vs. State, [SC13-865](#)

Bay County

Tentative Time 10:30 a.m.

Ms. Falcon was sentenced to life in prison without the possibility of parole in 1999 for the murder of Richard Todd Phillips, which Ms. Falcon committed when she was 15 years old. The U.S. Supreme Court recently ruled that juveniles convicted of murder cannot be mandatorily sentenced to life in prison without the possibility of parole under the ban on cruel and unusual punishment in the Eighth Amendment. Based on that 2012 decision, Ms. Falcon filed a motion seeking to vacate her sentence. The trial court denied her motion and the First District Court of Appeal upheld that ruling.

Richard McDade vs. State, SC13-1248

Lee County

Tentative Time 11:10 a.m.

Mr. McDade was convicted of the sexual battery of his step-daughter and sentenced to life in prison. He appealed, arguing the trial court had erred in allowing certain evidence during his trial, including testimony from the step-daughter's boy-friend and recordings of conversations between his step-daughter and himself. The Second District Court of Appeal upheld his convictions. But the 2nd DCA also certified the legal issues related to the recordings as a question of great public importance for this Court's review.

Wednesday, March 26

T.S., a juvenile, vs. State, SC13-1223

Statewide Impact

Tentative Time 10:00 a.m.

T.S., a juvenile, was arrested and charged with possession of a concealed weapon and possession of a weapon by a minor. The arresting officer stopped T.S. based on a report by a nearby unidentified man who said he had been threatened with a gun. The officer did not know who the man was and did not obtain his name or contact information. T.S. argued his arrest violated the Fourth Amendment protection against unreasonable seizures because the officer stopped him based solely upon a physical description provided by the unidentified man. The trial court agreed and said the evidence could not be used. The State appealed and the Third District Court of Appeal reversed, holding that the evidence was admissible.

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