

# Parkland massacre defendant’s attorneys to remain for now

The Associated Press

FORT LAUDERDALE — A judge ordered the public defenders representing the former student charged with the Florida high school massacre to stay on his case Wednesday while she determines if he remains legally indigent as he may be eligible for a large payout from his late mother.

Circuit Judge Elizabeth Scherer ordered Broward County public defenders to keep representing Nikolas Cruz while she determines if he'll collect about \$432,000 before taxes from Lynda Cruz's annuity and whether that would be enough for him to hire private attorneys.

His public defenders argued that simply by being eligible for that payout, he is no longer poor enough to be represented by them on charges that he murdered 14 students and three staff

members at Marjory Stoneman Douglas High School on Feb. 14, 2018, and wounded 17 others. Both prosecutors and victims' families objected, saying he will never get the money because of lawsuits and a change of attorneys would delay his trial, scheduled for early next year.

Assistant Public Defender Diane Cuddihy told Judge Scherer that under state law, her office can only represent those who are too poor to hire private attorneys. She said given that he is entitled to the money, she and her colleagues believe they can no longer represent him.

Cruz, 20, has said he wants any money he receives from his mother or her estate be given to the victims' families, but Cuddihy cited a previous court ruling that said it would "be a fraud on the courts and taxpayers" to allow a defendant to



Debbi Hixon, right, the widow of victim Chris Hixon, is consoled in court by family friend Jennifer Valliere during a hearing for Parkland school shooting suspect Nikolas Cruz at the Broward Courthouse in Fort Lauderdale on Wednesday. [MIKE STOCKER/SOUTH FLORIDA SUN-SENTINEL VIA AP/POOL]

voluntarily transfer money in order to remain indigent. Sitting at the defense table, Cruz once vigorously shook his head when it was suggested he might get the annuity money.

Attorney Jeannine Jacobson, an attorney for MetLife, said the sides have mischaracterized Lynda Cruz's

policy as life insurance. She said it is an annuity worth more than \$863,000 as a lump-sum payment that Cruz would split with his younger brother if they file a claim, which neither has done.

Because it is annuity, any payout would be taxed — online calculators

indicate Cruz would net about \$300,000 — and he can waive his share, giving it to his brother. Lynda Cruz died about three months before the attack of pneumonia and the Cruz brothers could have accessed the annuity before the shooting. Cruz's father died more than a decade earlier.

Prosecutors and victims' families opposed the public defenders' removal, saying Cruz will lose any money he gets to the victims' families. Assistant State Attorney Joel Silvershein told Scherer she also needs to consider the time and money already spent that would be wasted if Cruz gets new attorneys.

David Brill, who represents the father of slain victim Meadow Pollack, told Scherer that delaying the trial as Cruz's new attorneys prepare would cause additional pain to the victims' families. Under the

Florida Constitution, victims have a right to a speedy trial, just like the accused.

"The defendant has admitted to massacring 17 innocent people and injuring 17 more, caused countless others to suffer PTSD and essentially destroyed the peace and tranquility of an entire community," Brill said. "There is something fundamentally wrong to allowing him to use the money for private attorneys this late in the game."

Cruz, wearing an orange jail jumpsuit with his wrists and ankles shackled, dropped his face into his hands and appeared to cry as Debbie Hixon, the widow of athletic director Chris Hixon, begged Scherer not to do anything that would delay the trial.

"To make us wait longer for a judgment, it is just unbearable," Hixon said. "It is long enough."

## CONCEPT

From Page B1

to open in Gainesville because the younger, University of Florida-oriented crowd likes new concepts.

An interactive restaurant concept that lets you cook your own food at your own pace makes the restaurant a potential hotspot for students, he said.

Ousaid the restaurant will open in the next two weeks.

### Nenita's Asian Bar and Grill

A new restaurant with plans to offer Filipino cuisine, along with live music and rich Filipino culture, opens Friday.

Nenita's Asian Bar and Grill, 2445 SW 13th St., will open in the former Xclusive Tavern/Cafe and El Norteño spot.

Nenita's will offer Filipino staples like pancit bihon, a noodle dish often served at Filipino celebrations, adobo and rice, which is served with either chicken or pork, and lumpia, made similarly to an egg roll but "tastes a million times better," said General Manager Linus Ocasio. Nenita's lumpia will be served with ground turkey, chicken breast or rib-eye.

As for its bar options, Nenita's will serve a few of its own craft cocktails and Red Horse beer, which is brewed at the Philippines' San Miguel Brewery.

For those not feeling the Filipino vibe, the restaurant

will serve chicken wings and fries and offer Coronas, Ocasio said.

Ocasio, whose wife owns the restaurant, said he hopes Nenita's will be a place where family, friends, students, businesses can get together and experience Filipino culture. Ocasio is Puerto Rican and Filipino. The restaurant is named for his mother.

Nenita's will be open Tuesday from 11 a.m. to 10 p.m., Wednesday through Saturday from 11 a.m. to midnight, and starting June 2, 10 a.m. to 3 p.m. for brunch.

### Just Salad

A new restaurant focused on promoting a healthy and environment-friendly lifestyle has opened up off West University.

Just Salad, 1404 W. University Ave., opened April 23 in the plaza next to Taco Bell and Gator BTW.

As its name suggests, Just Salad offers more than a dozen signature salads to choose from.

Its Chipotle Cowboy salad comes with romaine lettuce, grilled chicken, black beans, avocado and onions. Its Crispy Chicken Poblano salad comes with romaine lettuce, kale, breaded chicken, cotija cheese, avocado, Mexican quinoa and tortilla chips. Other salads include its Seared Ahi Tuna salad, which comes loaded with spinach, tuna, carrot edamame slaw, cucumbers, onions and a sauce.

The restaurant also has a build-your-own-salad option.

Janani Lee, Just Salad's chief sustainability officer,

said any of Just Salad's salads can be made into wraps. The restaurant also serves avocado toast and quinoa bowls.

Lee said Just Salad started in 2006 with sustainability in mind. At the restaurant, its guests can buy a reusable hard plastic bowl for \$1, and if they reuse the bowl, they can get free toppings, like avocado, on their salads during each of their visits. The bowls can also be used as takeout containers.

Lee said Just Salad moved into Gainesville because the national restaurant chain looks into markets with "health-minded and environmentally-minded people."

"I think (Just Salad) will appeal really well to that crowd in Gainesville," she said.

Just Salad tries to keep its prices low, Lee said, and has at least 10 menu items under \$10.

### The Swamp

There is a controversial plan to tear down The

Swamp restaurant off West University Avenue for a new high-rise student apartment complex. However, in a joint press release, Swamp restaurant owner Ronald DeFilippo and Tampa-based developer 908 Group said the restaurant is part of the plan for the new development.

DeFilippo said in the release The Swamp will be incorporated into the development's ground-level retail space. Plans from the developer and engineering group CHW show The Swamp going into a new, 10,000-square-foot space on the corner of West University Avenue and Northwest 17th Street, the same corner it sits on today.

The release also states that the new design will incorporate a patio area, a favorite part of The Swamp as it is now.

The Sun published a column written by DeFilippo regarding The Swamp's plans to relocate into the new development's retail space. Many readers suggested they still weren't happy with the

decision to tear down the building, even if The Swamp reopens in the same spot.

"People like The Swamp because of the aesthetic — a smaller house-like building with porches and a front yard," wrote Facebook user Jeff Stevens. "None of this will be part of the new building and experience."

"If it is a newly constructed building with upgraded facilities, ensconced within a new, unnecessary apartment building, it is NOT the Swamp except in name," wrote Nicole Vassilatos Modica.

The release did not say when The Swamp plans to close for its demolition. Grill Fresh, a nearby restaurant also affected by the new development, closed Tuesday.

"To all our loyal Grill Fresh guests, unfortunately the property we sit on has been sold," Grill Fresh staff posted on Facebook. "We will let you know our new location but while we are gone — eat healthy ... Thank you so much and see you soon."

### Smoothie King

Smoothie King reopened Wednesday in the former Gator Cycle spot off Archer Road and Southwest 34th Street.

DJ Halligan, owner of both Smoothie King locations in Gainesville, said the new Smoothie King is about 1,100 square feet and will be open from 7 a.m. to 10 p.m. Monday-Friday, Saturday from 8 a.m. to 10 p.m. and Sunday from 9 a.m. to 9 p.m.

The Smoothie King location in Butler Plaza closed eight months ago after Halligan declined to re-sign his lease with Butler Enterprises.

"The rent over there is too expensive," he said. "They're building their little empire over there, and I don't know how anyone is going to make it over there."

Halligan planned to close and immediately move into the smoothie shop's new location, 3321 Archer Road, but construction issues held him back. He said he's excited to be back open and offering smoothies again.

## NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING BOARD OF THE CITY OF ALACHUA, FLORIDA

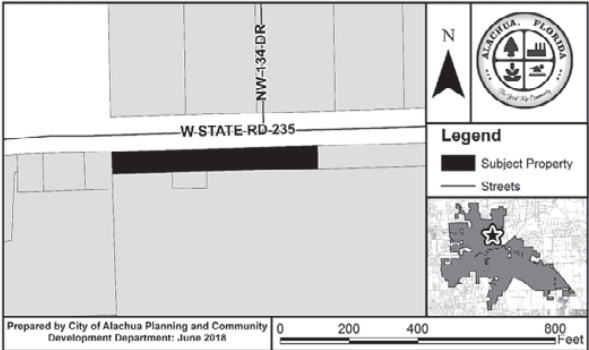
Notice is hereby given that the Planning and Zoning Board of the City of Alachua will hold a public hearing on May 14, 2019 at 6:00 p.m. The hearing will be held in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida, to consider a request by the City of Alachua to amend the Comprehensive Plan Future Land Use Element as follows: amending Objective 1.4, and Policies 1.4.a, 1.4.d, and 1.4.f relating to the Corporate Park Future Land Use Map (FLUM) Designation.

At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

GF-GH045885

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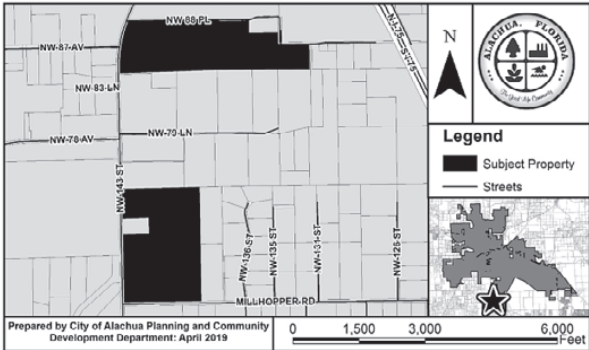


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