

FSU law professor fought ex-wife in the courts until murderous end



FSU professor Dan Markel was killed at his home in Tallahassee in July 2014. Many questions remain about his death. (Florida State University / Courtesy)



By **Rebeca Piccardo**

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FSU law professor, wife waged war in the courts until his murder

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Daniel Markel said it was his worst nightmare.

The Florida State University law professor returned from a short business trip in September 2012 and found the room void of most furniture.

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ad placed on their bed.

What followed, according to divorce documents, was a court battle that raged for nearly two years, a clash over parental rights spiced by allegations of impertinent in-laws, hidden assets and stolen heirlooms.

The conflict came to a shocking end — Markel, 41, was shot in his garage on July 18, 2014. He died at a hospital the next day.

During a news conference June 2, police said they think Markel was killed in a murder-for-hire plot. They said it appeared to be tied to his bitter divorce from Adelson, her parents' "desperate desire" for her and the children to move to South Florida, and a court hearing that may have restricted access to their grandchildren, according to unsealed court documents.

On June 17, two men were indicted. Sigfredo Garcia, 34, and Luis Rivera, 33, a South Florida Latin King gang leader, are due back in court Monday — two years to the day since Markel was shot. More arrests are expected, authorities said.

"The Adelsons had absolutely nothing to do with Dan Markel's murder," Michael D. Weinstein, lawyer and family friend to the Adelsons, said Saturday from Norway, where he is vacationing. "There might be other people who had motive as well."

An 'abrupt and cruel departure'

The young couple married in February 2006 in Boca Raton. She was finishing law school at the University of Miami; he was an associate professor at FSU's law school.

Their careers thrived. Markel was tenured in 2010 and promoted to full professor in 2012; Adelson was a clinical law professor, working at the Human Rights and Immigration Law Project at FSU. But after six years of marriage and two children, things fell apart — for Adelson, at least. Court filings on her behalf said she'd been "very unhappy" with her husband and their marriage. "Our marriage dissolved after the children arrived, as the loneliness of being married to someone who didn't view me as an equal crept in," Adelson said in a podcast for a writing class she took after Markel's death.

She had the divorce papers ready before Markel left town, but she waited until he was gone to move out with help from her parents and a moving company, according to court documents.

Markel said Adelson took "whatever furniture and belongings she wanted for herself" and left without letting him know where she had taken their sons for six weeks. Eventually, he found out she had run home to her parents in Coral Springs; he made her come back with the children until a judge ruled in the case, investigators said.

Adelson's "abrupt and cruel departure" — as Markel called it — shocked him and set the tone for the way their

In court filings, Markel always circled back to how his wife started all the nastiness by raiding their home and, more importantly, taking his children.

"Here there is an unquestionably devoted father and husband who rushes home to find his worst nightmare: his children are missing with no indication where they are," according to court documents filed on his behalf.

Adelson had the upper hand and, Markel said, she tried to take advantage of him. In court documents, he said Adelson wanted to tie the children's time-sharing to resolving their property issues, "which basically means she put them up for ransom."

"If she wanted to leave the marriage because she fell out of love, that's one thing. But she could have done so without also taking more than the necessities so that a proper and fair distribution could have immediately followed," he said in court filings.

Tallahassee vs. South Florida

The couple's main conflict was how and where they wanted to raise their two young sons.

Investigators said they found email evidence that Adelson's parents, especially her mother, wanted her to "coerce" Markel to allow her and the kids to move to South Florida.

Wendi Adelson grew up in Coral Springs and graduated as valedictorian from J.P. Taravella High School. Her family runs the Adelson Institute for Esthetics and Implant Dentistry in Tamarac, where her father, Dr. Harvey Adelson, is a cosmetic dentist and her brother, Dr. Charlie Adelson, is a periodontist. Her mother, Donna, is the patient care coordinator.

Adelson sought primary custody and asked a judge to let her and the children move to Coral Springs, to be near her family. With a job lined up at a private law firm in Boca Raton, she said the move would give her sons stability and a better quality of life, according to court documents.

When the marriage blew up, there was nothing left for her in Tallahassee. She said the couple had always intended to move to South Florida or a major city to be near a larger Jewish community and neither had family in Tallahassee, said court documents filed on her behalf.

Adelson said she was stuck in a "hostile work environment" at the law school, where she had to face her colleagues after Markel told them she had mental health issues and stole from him.

"She is divorcing the husband due to her unhappiness with him and the marriage and she only moved out because she knew he would not," according to a court document filed on her behalf. "He simply is having difficulty accepting her decision."

Tallahassee was the only home his sons had ever known, he argued, and he was an integral part of their lives. Because of his flexible teaching schedule, he took his sons to doctor's appointments, cooked for them, bathed them and even visited their preschool for "circle time" and meals.

"There is no need for the children to be uprooted so that they can have a closer relationship with their maternal grandparents," stated court documents filed on Markel's behalf.

He accused his "affluent" in-laws of "bankrolling" her litigation so that they could enjoy easier access to the grandchildren.

A Leon County circuit judge denied Adelson's request to leave, stating that she could not prove the move would be in the best interests of the children. Instead, the couple kept a parenting schedule to share the children equally.

"It feels sacrilegious these days even to suggest anything less than heroic about my late ex-husband because he was murdered," Adelson said in the 2015 [podcast for her writing class](#). "He died violently and young and likely at the hands of a professional killer. The media had a field day in response."

Since Markel's death, Adelson, 37, has moved back to South Florida, working as a law clerk for Judge Adalberto Jordan of the 11th U.S. Circuit Court of Appeals since September 2015. She could not be reached for comment.

'Unclean hands'

The legal grenades continued after Markel and Adelson signed a marriage settlement agreement in 2013.

In a document filed on Valentine's Day 2014, Markel accused Adelson and her attorney of not disclosing assets worth well over \$200,000 on financial affidavits during the divorce. He said they had "unclean hands" for hiding a Charles Schwab bank account and retirement account.

Markel also found out that Adelson had taken family heirlooms from a joint safe deposit box, according to court documents. Among them was a 2-carat diamond ring that belonged to Markel's great-aunt, a Holocaust survivor.

Markel said Adelson never even wore that ring "because her parents insisted upon [her] being proposed to with her own grandmother's diamond ring."

Until they resolved Adelson's "numerous breaches" of the marital settlement agreement, Markel argued, he had the right to withhold a payment of \$120,000 to his ex-wife and \$10,000 to her attorney that they had agreed to in the divorce.

He asked the court to divide the money from the Charles Schwab bank account, make Adelson give back his
of litigation.

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"The former wife, with and through her counsel, took a simple divorce and made it complicated, nefarious and expensive," stated court documents filed on Markel's behalf.

'Grandma says she hates you'

By March 2014, Markel was fed up.

After months of feeling that Adelson was limiting his time with the children, he had his attorney file a motion seeking to enforce the parenting rules detailed in the divorce agreement.

In it, he went after Adelson's mother, Donna.

For months, Markel complained that Adelson wouldn't let him Skype or Facetime with the children for 10 minutes on the days they were with her. He also didn't like that Adelson often had her mother watch the children instead of giving him the option to be with them while she attended cocktail parties, guest lectures or leadership conferences.

He sought to prevent Donna Adelson from spending time alone with the children after finding out she had disparaged him to them.

On more than one occasion, Markel's sons came back after having spent time with their grandparents and told him: "Grandma says you're stupid," and that "Grandma says she hates you" because "you are trying to take her 'Sunshines' away from her," Markel claimed in court filings.

A hearing was scheduled for May, but it was postponed. Markel, who had the boys under his care when he was shot, died before a new hearing date was set.

Investigators point to Markel's attempt to limit the boys' unsupervised time with their maternal grandmother as part of the motive for the slaying.

In Garcia's probable cause affidavit, investigators laid out their theory, which focused mainly on Donna Adelson and Wendi's brother Charlie.

Charlie Adelson also did not like Markel; he is the apparent link between the family and Garcia, police said. Investigators said Charlie Adelson had a "personal relationship" and frequent phone contact with Katherine Magbanua, a South Florida woman who has two children with Garcia.

Perhaps FSU students, or people reacting to Markel's blog, PrawfsBlawg, had it in for the law professor, Weinstein said Saturday.

"He had a lot of people angry with him," Weinstein said.

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Authorities say they have evidence that Garcia and Rivera drove together to Tallahassee as hired assassins. Cellphone records placed Garcia and Rivera in Tallahassee at the time of the killing and investigators said they had linked them to a car rented to Rivera in North Miami.

The car, a Toyota Prius, was spotted on surveillance cameras following Markel as he dropped off his boys at day care and went to the gym the morning he was shot, police said.

Investigators said an informant, whose identity was not released, claimed to have met both men and arranged to rent a motel room in Tallahassee for them the night before the murder. The informant told investigators Rivera had a silver-colored short-barrel revolver with him when they met in June 2014. Investigators did not recover the murder weapon, but a revolver matches the bullet casing found at the scene, according to court records.

Prosecutors said they are seeking the death penalty. The grand jury that indicted the two was retained pending further developments.

"All they've got is theories," Garcia's attorney, Jim Lewis, told the Tallahassee Democrat in June. "No facts. No eyewitnesses. No physical evidence. No confessions. No statements."

Court records show Garcia and Rivera hired a new attorney July 13. They are now represented by Miami-based Saam Zangeneh — one of the defense lawyers who represented Facebook killer Derek Medina in 2015.

Reached by phone Friday, Zangeneh said he's deferring further comment until he can review all the evidence in the case.

Prosecutors are confident the evidence they have is enough.

"It is a circumstantial case. We don't have a murder weapon, which we often don't in cases," said Chief Assistant State Attorney Georgia Cappleman. "Circumstantial evidence can be as compelling or even more compelling than direct physical evidence."

Weinstein predicted that Garcia and Rivera would remain the sole suspects in the slaying and they would likely opt to quickly go to trial.

"I think it's going to be a speedy trial," Weinstein said. "I don't think there's going to be any more arrests."

Staff writer Tonya Alanez contributed to this report.

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