

NOT FINAL UNTIL TIME EXPIRES  
TO FILE REHEARING MOTION  
AND, IF FILED, DISPOSED OF.

IN THE DISTRICT COURT OF APPEAL  
OF FLORIDA  
THIRD DISTRICT  
JULY TERM, A.D. 2001

ROBERTO RIGAL, JR.,	**	
Appellant,	**	CASE NO. 3D99-1866
vs.	**	LOWER
LEVINE, BUSCH, SCHNEPPER & STEIN, et al.,	**	TRIBUNAL NO. 95-22700
Appellees.	**	
	**	

Opinion filed October 10, 2001.

An Appeal from the Circuit Court for Dade County, Jon I. Gordon,  
Judge.

Peter A. Gonzalez; Roberto Rigal, Jr., for appellant.

Adorno & Zeder and Raoul G. Cantero III, and Stephanie G.  
Kolman, for appellees.

Before JORGENSON, GERSTEN, AND SORONDO, JJ.

PER CURIAM.

Roberto Rigal appeals from an order of final summary judgment.  
We affirm. Sections 772.14 and 775.089, Florida Statutes (1993 and  
Supp. 1994) "estop a defendant from denying the essential elements of

a crime in a subsequent civil proceeding involving the same matters." J&P Transp., Inc. v. Fid. & Cas. Co. of N.Y., 750 So. 2d 752 (Fla. 5th DCA 2000). In the criminal case that involved the same matter, the jury determined, and on appeal this court held, that Rigal was not a partner who was entitled to take a share of the firm's money. See Rigal v. State, 780 So. 2d 256, 258 (Fla. 3d DCA 2001) ("Since Rigal did not own any shares in LBSS, he was nothing more than an employee of the firm and thus could not be a co-owner.").

AFFIRMED.<sup>1</sup>

---

<sup>1</sup> Our affirmance includes that part of the order of summary judgment that denies the firm's claim for reimbursement of compensation paid to Rigal in 1994 and 1995.