



Supreme Court of Florida

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Oral Argument Press Summaries June 6-7, 2018

Wednesday, June 6

Gwendolyn E. Odom v. R.J. Reynolds Tobacco Company, [SC17-563](#)
Palm Beach County – starts about 9:00 a.m.

Ms. Odom sued R.J. Reynolds Tobacco Company for the wrongful death of her mother, arguing that her mother died from lung cancer caused by cigarettes manufactured by the tobacco company. A jury awarded Ms. Odom \$6 million in damages. The tobacco company asked the trial court to lower the amount awarded to Ms. Odom because it was excessive. The trial court denied the request. On appeal, the Fourth District Court of Appeal reversed the trial court's decision, concluding that the jury's award to Ms. Odom, who was a financially independent adult at the time of her mother's death, was excessive. Ms. Odom asks this Court for review, arguing that the 4th District's decision conflicts with several decisions of this Court.

Orlando Noa v Florida Insurance Guaranty Association, [SC17-738](#)

Dade County – starts about 9:40 a.m.

Hurricane Wilma damaged Mr. Noa's home. The insurance company appraised his property and awarded an amount that included repairing a portion of the damaged roof. Mr. Noa's roofing contractor later applied to the city for a permit to repair a greater percentage of the roof than the appraisal had determined. The city denied the repair application, explaining that due to the percentage of the roof needing repairs, the Florida Building Code required him to replace his entire roof. Mr. Noa then filed a supplemental insurance claim to cover the increased costs to replace the entire roof. The insurance company denied the claim. Mr. Noa asked the trial court to order Florida Insurance Guaranty Association to reappraise his roof to cover the additional costs. The trial court denied Mr. Noa's motion. On appeal, the Third District Court of Appeal agreed with the trial court. Mr. Noa asks this Court for review arguing the 3rd DCA decision conflicts with decisions of another appellate court and this Court.

--10 minute break--

Thomas Theo Brown v. State of Florida, [SC17-1538](#)

Duval County – starts about 10:30 a.m.

Mr. Brown was charged and convicted of first-degree murder and sentenced to death for fatally shooting his co-worker, Juanese Miller, at their workplace, Wendy's restaurant, in 2009. This Court affirmed his conviction and sentence of death on direct appeal. Mr. Brown filed postconviction challenges in the trial court, including a claim that he was entitled to be resentenced pursuant to this Court's decision in *Hurst v. State*. The court granted resentencing, but the remaining challenges were denied. His resentencing is on hold pending this appeal.

Adam Lloyd Shepard v. State of Florida, [SC17-1952](#)

Duval County – starts about 11:10 a.m.

Mr. Shepard was charged with first-degree murder and leaving the scene of an accident involving death. The jury found him guilty of a lesser included offense, involuntary manslaughter with a weapon. The trial court increased the level of conviction from a second-degree felony to a first-degree felony upon the jury's finding that Mr. Shepard used a "weapon," his automobile, during the commission of the crime. Mr. Shepard appealed to the First District Court of Appeal arguing an automobile is not a weapon, and the second-degree manslaughter was improperly reclassified. The 1st DCA agreed with the trial court. This appeal followed arguing the ruling conflicts with decisions of another appellate court and this Court.

Thursday, June 7

Law Offices of Herssein and Herssein, P.A., etc., et al. v. United Services Automobile Association, [SC17-1848](#)

Dade County – starts about 9:00 a.m.

The Law Offices of Herssein and Herssein, P.A. had pending litigation in the trial court against United Services Automobile Association for breach of contract and fraud. Herssein discovered a lawyer for U.S. Automobile and the trial judge were “friends” on Facebook and filed a motion to disqualify the judge. Herssein argued the Facebook “friendship” violates opinions of the Judicial Ethics Advisory Committee, the Florida Code of Judicial Conduct and case law because judges cannot be Facebook “friends” with lawyers or litigants who appear and argue before them in court. The trial court denied the motion. The Third District Court of Appeal also rejected Herssein’s motion to disqualify the trial judge but acknowledged conflict with a decision from the Fourth District Court of Appeal. This appeal followed.

Leonard P. Gonzalez Jr. v. State of Florida, [SC17-1146](#)

Escambia County – starts about 9:40 a.m.

Mr. Gonzalez was charged with two counts of first-degree murder in the deaths of Byrd and Melanie Billings, who were fatally shot in 2009. The jury voted 10-2 to recommend a death sentence on both counts, and the trial court condemned Mr. Gonzalez to death. This Court upheld both convictions and death sentences on direct appeal. Mr. Gonzalez filed postconviction challenges in the trial court claiming trial counsel was ineffective for failing to challenge the grand jury indictment and request a change of venue due to intense media coverage as well as a claim that he was entitled to be resentenced pursuant to this Court’s decision in *Hurst v. State*. The court granted resentencing, but the remaining challenges were denied. This appeal followed.

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Galante Romar Phillips v. State of Florida, [SC17-1150](#)

Duval County – starts about 10:30

Mr. Phillips was convicted of first-degree murder in the death of Christopher Aligada during the commission of a robbery. The jury voted 7-5 to recommend a death sentence, and the trial court condemned Mr. Phillips to death. This court upheld his conviction and death sentence on direct appeal. Mr. Phillips filed post-conviction challenges in the trial court based on newly discovered evidence and trial counsel’s failure to argue intellectual disability during the penalty phase as well as a claim that he was entitled to be resentenced pursuant to this Court’s decision in *Hurst v. State*. The court granted resentencing, but the remaining challenges were denied. This appeal followed. Resentencing is pending.

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