



# Supreme Court of Florida

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## Oral Argument Press Summaries

**March 6-10** no arguments on March 7 or March 10

### Monday, March 6

[Advisory Opinion to the Attorney General Re: Voting Restoration Amendment & Advisory Opinion to the Attorney General Re: Voting Restoration Amendment \(FIS\), SC16-1785 & SC16-1981](#)

statewide – starts at about 9:00 a.m.

The Attorney General has requested an advisory opinion from this Court on a proposed constitutional amendment to restore the voting rights to Floridians with felony convictions, other than those convicted of murder or sexual offenses, after they complete all the terms of their sentence. The Court reviews citizens' initiatives to determine compliance with two requirements: Amendments must deal with one subject only and the ballot title and summary must fairly describe the amendment. The Court also reviews a financial impact statement prepared by state analysts.

Crystal Sells, etc., v. CSX Transportation, Inc., [SC15-1639](#)  
Duval County – starts about 9:40 a.m.

Ms. Sells sued CSX after her husband, a conductor for the railroad, died after suffering cardiac arrest at a remote location. In her wrongful death suit, she alleged CSX was negligent for failing to provide prompt medical care to its employee. The jury found CSX liable and awarded \$1.9 million in damages but the trial court set aside the jury findings and instead granted a directed verdict for CSX. The First District Court of Appeal upheld that ruling. Ms. Sells filed this appeal, arguing the decision of the 1st DCA is in conflict with an earlier rulings by this Court.

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Barry Davis Jr. v. State, [SC15-1794](#)  
Walton County – stars about 10:30 a.m.

Mr. Davis was convicted of the first-degree murders of John Hughes and Heidi Rhodes, who were fatally drowned in 2012. The jury voted 9-3 to recommend a death sentence for the murder of John Hughes and 10-2 to recommend a death sentence for the murder of Heidi Rhodes. The trial court condemned Mr. Davis to death for each murder. This is his direct appeal.

### **Wednesday, March 8**

Corey Dozier v. State, [SC15-2092](#)  
Duval County – starts about 9:00 a.m.

Mr. Dozier, a prisoner in South Carolina, sought to have Florida felony charges dismissed. Based on a warrant for his arrest, he argued the state of Florida failed to bring him to trial within 180 days, as required by the Interstate Agreement on Detainers Act. A Florida trial judge denied his request. Mr. Dozier then asked the First District Court of Appeal to stop the trial court from proceeding. The 1st DCA ruled against Mr. Dozier, concluding that a felony arrest warrant does not “trigger” the 180-day time limit in the Act.

Joan Schoeff, etc., v. R.J. Reynolds Tobacco Co., [SC15-2233](#)  
Broward County – starts about 9:40 a.m.

After her husband's death, Mrs. Schoeff sued RJR Tobacco. The jury awarded her \$10.5 million in compensatory and \$30 million in punitive damages. As Mr. Schoeff had been a smoker, the judge reduced the compensatory damages to \$7.8 million because of his comparative fault. The Fourth District Court of Appeal upheld that reduction. The 4th DCA also found the punitive damages excessive and rejected Mrs. Schoeff's argument that her husband's comparative fault should not be taken into account. This Court accepted this case because the First District Court of Appeal reached the opposite conclusion about comparative fault in another case against RJR Tobacco.

--10 minute break--

Bessman Okafor v. State, [SC15-2136](#)  
Orange County – starts about 10:30 a.m.

Mr. Okafor was convicted of the first-degree murder of Alexander Zaldivar, who was fatally shot in 2012. The jury voted 11-1 to recommend a death sentence, and the trial court condemned Mr. Okafor to death. This is his direct appeal.

Robert Peterson v. State & Robert Peterson v. Julie L. Jones, etc., [SC16-289](#) & [SC16-1279](#)  
Duval County – starts about 11:30 a.m.

Mr. Peterson was convicted of the first-degree murder of Roy Andrews, who was beaten and fatally shot in 2005. The jury voted 7-5 to recommend a death sentence and the trial court condemned him to death. This Court upheld his sentence on direct appeal and Mr. Peterson filed a post-conviction challenge in the trial court. It was denied and this appeal followed.

## **Thursday, March 9**

Elizabeth White v. Mederi Caretenders, etc., et al., [SC16-28](#)  
St. Lucie County – starts about 9:00 a.m.

Mederi Caretenders sued Ms. White, a former employee, alleging she violated a non-compete clause by going to work for another home health care agency. The trial court issued a summary judgment in Ms. White's favor but the Fourth District Court of Appeal overturned that decision, ruling Florida law protecting business interests did apply to referral sources in the home health care field. The 4th DCA also certified conflict with a decision by the Fifth District Court of Appeal.

Americare Home Therapy, Inc., etc., v. Carla Hiles [SC16-400](#)  
St. Lucie County – starts about 9:40 a.m.

Americare sued Ms. Hiles, a former employee, alleging she had violated a confidentiality and non-compete agreement when she resigned and went to work for another home health care agency. The trial court granted Americare's motion for a temporary injunction. But the Fifth District Court of Appeal overturned that ruling, holding that referral sources in the home health care field are not legitimate business interests. The 5th DCA also certified conflict with a decision by the Fourth District Court of Appeal.

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Edward Covington v. State, [SC15-1252](#)  
Hillsborough County – starts about 10:30 a.m.

Mr. Covington pled guilty to the first-degree murders of Lisa Freiberg and her two children, 7-year-old Zachary and 2-year-old Heather Savannah. The three were beaten and fatally stabbed in 2008. He waived his right to a sentence recommendation from a jury and the court condemned him to death. This is his direct appeal.

State v. Raymond Morrison, Jr., [SC15-1880](#)  
Duval County – starts about 11:30 a.m.

Mr. Morrison was convicted of the first-degree murder of 82-year-old Albert Dwelle, a disabled man who bled to death from two knife wounds to his throat in 1997. The jury voted unanimously to recommend a death sentence and the trial court condemned Mr. Morrison to death. This Court upheld his sentence on direct appeal and he filed a post-conviction challenge in the trial court. The trial court concluded Mr. Morrison had ineffective counsel before and during his trial and granted him a new trial. This appeal followed.

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