



Supreme Court of Florida

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Oral Argument Press Summaries

Feb. 6-10, Feb. 22 no arguments on Feb. 6 or Feb. 10

Tuesday, Feb. 7

[Inquiry Concerning a Judge No. 15-200 re: John Patrick Contini, SC15-2148](#)

Broward County – starts about 9:00 a.m.

Circuit Judge Contini has been summoned before the Court to receive a public reprimand for ethical misconduct.

[John Doe v. State, SC16-1852](#)

Lee County County – starts about 9:10 a.m.

Fourteen people who were facing possible commitment under Florida’s mental health law challenged a Lee County judge’s decision to preside over their hearings remotely via videoconferencing equipment. The Second District Court of Appeal ruled there was no clearly established right to have a judge in a mental commitment case physically present at the hearing. But the 2nd DCA also certified the legal question to be one of great public importance for this Court’s review.

[Freddy D’Agastino, et al., v. The City of Miami, et al., SC16-645](#)

Dade County – starts about 9:50 a.m.

Miami Police Lt. D'Agastino challenged the authority of a "Civilian Investigative Panel" set up under a city ordinance to investigate allegations of police misconduct. He argued the ordinance was preempted by a state law spelling out the rights of law enforcement officers. The trial court ruled for the city of Miami and the CIP. On appeal, the Third District Court of Appeal upheld the trial court. Lt. D'Agastino argues the decision by the 3rd DCA is in conflict with a decision by the Fifth District Court of Appeal in a similar but unrelated case.

Wednesday, Feb. 8

Venice HMA, LLC d/b/a Venice Regional Medical Center v. Sarasota County et al., & Sarasota Doctors Hospital, Inc. et al., v. Sarasota County, et al., [SC15-2289](#) & [SC15-2292](#)

Sarasota County – starts about 9:00 a.m.

In these consolidated cases, private hospitals in Sarasota County challenged the county's refusal to reimburse them for care provided to indigent residents under a special state law that deals with indigent health care in Sarasota County only. The county argued that the provision of the statute relating to private hospitals is unconstitutional. The trial court agreed with the county, ruling that provision of the challenged state law unconstitutional. The Second District Court of Appeal upheld the trial court. This appeal followed.

Joyce Shaw, et al., v Mark Hunter, sheriff, etc., et al., [SC16-118](#)

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

Ms. Shaw sued Sheriff Hunter of Columbia County after a traffic accident in Hamilton County. The suit alleged that a deputy in Sheriff Hunter's agency rear-ended the car Ms. Shaw was driving. Sheriff Hunter argued that because the suit was against him in his official capacity it had to be filed in Columbia County under his home venue privilege. The trial court disagreed but the First District Court overturned the trial court. Ms. Shaw argued the decision by the 1st DCA is in conflict with decisions by the Fifth District Court of Appeal and this Court as well.

--10 minute break--

Harrel Braddy v. State & Harrel Braddy v. Julie L. Jones, etc., [SC15-404](#) & [SC16-481](#)

Dade County – starts about 10:30 a.m.

Mr. Braddy was convicted of the first-degree murder of 5-year-old Quatisha Maycock, who died of blunt force trauma to her head in 1998. The jury voted 11-1 to recommend a death sentence and the trial court condemned him to death. This Court upheld his sentence on direct appeal and he filed a post-conviction challenge in the trial court. It was denied and this appeal followed.

Thursday, Feb. 9

In Re: Amendments to Rule Regulating The Florida Bar 4-1.19 and Florida Family Law Rule of Procedure 12.745 (Collaborative Law Process), [SC16-1685](#)
statewide – starts about 9:00 a.m.

A new 2016 state law that allows “collaborative law process” in divorces, paternity and other family law cases will not take effect until this Court adopts the necessary rules. Collaborative law process gives parties a nonadversarial alternative to traditional litigation. Collaborative law process is voluntary and private. Each party retains a specially-trained lawyer. Neutral mental health and financial professionals work with the lawyers as a team to help the parties negotiate an outcome acceptable to all. The Florida Bar and the Family Law Rules Committee recommend two new collaborative law process rules to this Court for adoption.

R. Lee Smith, et al., v. City of Jacksonville, [SC15-534](#)
Duval County – starts about 9:30 a.m.

Mr. Smith and his wife sued the city of Jacksonville, seeking compensation under a state law that protects property owners whose property is affected by governmental actions. The Smiths alleged their riverfront property lost significant value because the city built a marine fire station on neighboring property. The trial court found that the state law applied to the Smiths because the city action inordinately burdened their property. The First District Court of Appeal overturned that decision, ruling the state law did not apply in this case because the city did nothing directly to the Smiths’ property. The 1st DCA also certified the issue as one of great public importance for this Court’s review.

--10 minute break--

Hardee County, etc., v. FINR II, Inc., etc., [SC15-1260](#)
statewide – starts about 10:20 a.m.

FINR II, owner of 872 acres in Hardee County, sued the county under a state law that protects property owners whose property is affected by governmental actions. FINR II alleged the county’s action allowing a neighboring property owner to expand mining operations forced its own bankruptcy. The trial court dismissed the complaint but the Second District Court of Appeal overturned that decision. The 2nd DCA also certified conflict with the First District Court of Appeal in a similar but unrelated case.

Wednesday, Feb. 22

Christopher Carpenter v. State, [SC15-2125](#)

Duval County – starts about 9:00 a.m.

Mr. Carpenter was charged with traveling to meet a minor, solicitation of a minor and transmission of harmful material to a minor. Upon his arrest, officers seized his cell phone and searched it without a warrant. Mr. Carpenter later challenged the use of the evidence obtained from his phone, arguing that it violated the Fourth Amendment's protection against unreasonable searches and seizures. Mr. Carpenter also cited recent cases from both the Florida and U.S. Supreme Court, which held that warrantless cell phone searches were unconstitutional. The State argued that this Court's and the U.S. Supreme Court's decision disallowing warrantless searches of cell phones had not yet been decided at the time of Mr. Carpenter's search. The trial court suppressed the evidence but the First District Court of Appeal overturned that decision, ruling that the officer had acted in good faith, using the law in effect at the time of the arrest.