



Supreme Court of Florida

Oral Argument Press Summaries Dec. 5-9, 2016 no arguments on Dec. 5, 6 or 9

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Wednesday, Dec. 7

In re: Amendments to the Florida Rules of Juvenile Procedure and Florida Rule of Appellate Procedure 9.146, [SC16-553](#)
statewide – starts about 9:00 a.m.

The Select Committee on Claims of Ineffective Assistance of Counsel in Termination of Parental Rights Proceedings and related Bar committees have submitted two sets of proposed rule changes for the Court's consideration. One set of rules is drafted to spell out how indigent parents whose parental rights have been terminated can claim their court-appointed attorneys provided them with ineffective assistance. The other set of rules has a broader scope and would apply to all parents in termination of rights cases, not just those who are indigent and have been provided with court-appointed counsel.

Carlos Acevedo v. State, [SC15-1873](#)
Broward County – starts about 10:00 a.m.

Mr. Acevedo was sentenced to life in prison under the state's Dangerous Sexual Felony Offender Act. He challenged his sentence, arguing his 2008 convictions of lewd or lascivious molestation and conduct were not similar enough to a 1982 conviction to trigger use of the sexual predator law. The trial court denied his motion. The Fourth District Court of Appeal upheld the trial court but also certified conflict with a decision by the Fifth District Court of Appeal.

--10 minute break--

Howard Ault v. State, [SC14-1551](#)
Broward County – starts about 10:50 a.m.

Mr. Ault was sentenced to death for the first-degree murders of two young sisters, ages 11 and 7, who were strangled in 1996 after the older sister was sexually battered. On direct appeal, this Court vacated the death sentences based on an error in jury selection. At the second penalty hearing, the jury voted 10-2 and 9-3 to recommend a death sentence for each murder. The trial court condemned Mr. Ault to death and this Court upheld the sentences on direct appeal. Mr. Ault filed a post-conviction challenge in trial court. It was denied and this appeal followed.

John Hampton v. State & John Hampton v. Julie Jones, [SC15-1360](#) & [SC16-6](#)
Pinellas County – starts about 11:30 a.m.

Mr. Hampton was sentenced to death for the first-degree murder of Renee McKinnes, who was fatally beaten and stabbed in 2007. The jury voted 9-3 to recommend a death sentence. The trial court condemned Mr. Hampton to death and this Court upheld the sentence on direct appeal. Mr. Hampton filed a post-conviction challenge in trial court. It was denied and this appeal followed.

Thursday, Dec. 8

Emma Weaver, etc., v. Stephen Myers, M.D., et al., [SC15-1538](#)
statewide – starts about 9:00 a.m.

Ms. Weaver challenged the constitutionality of a 2013 state law that amended Florida's medical malpractice statutes. Under the new law, health care providers facing lawsuits can question patients' other health care providers outside the presence of the patients and their lawyers. Ms. Weaver alleged that the law violates the constitutional guarantee of access to courts, the right to privacy, and this Court's rule-making authority. She also alleged that the law constitutes an impermissible special law. The trial court ruled against Ms. Weaver and the First District Court of Appeal upheld that decision.

Gangapersad Ramroop v. State, [SC15-1816](#)
Orange County – starts about 9:40 a.m.

Mr. Ramroop was convicted of attempted second-degree murder of a law enforcement officer after a traffic chase with law enforcement. The chase ended in a crash that killed Robert Hunter, the driver of another car. Mr. Ramroop was convicted of first-degree murder for Mr. Hunter's death. On appeal, he alleged the trial court made errors that deprived him of a fair trial. The Fifth District Court of Appeal ruled the trial court made mistakes but they weren't serious enough to warrant a new trial. Instead, the 5th DCA remanded the case for resentencing on the lesser-included charge of attempted second-degree murder. Mr. Ramroop asked this Court to review, alleging conflicts with earlier decisions by this Court as well as other District Courts of Appeal.

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Randall Deviney v. State, [SC15-1903](#)
Duval County – starts about 10:30 a.m.

Mr. Deviney was convicted of the first-degree murder of Delores Futrell, whose throat was cut in 2008. He was sentenced to death but this Court reversed his conviction and sentence on direct appeal. After a second trial, Mr. Deviney was again convicted and the jury voted 8-4 to recommend a death sentence. The trial court condemned him to death a second time. This appeal followed.

Matthew Caylor v. State & Matthew Caylor v. Julie Jones, etc., [SC15-1823](#) & [SC16-399](#)
Bay County – starts about 11:30 a.m.

Mr. Caylor was convicted of the first-degree murder of 13-year-old Melinda Hinson, who was sexually battered and strangled in 2008. The jury voted 8-4 to recommend a death sentence and the trial court condemned him to death. This Court upheld his sentence on direct appeal and Mr. Caylor filed a post-conviction challenge in the trial court. It was denied and this appeal followed.

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