



# Supreme Court of Florida

[Main Press Page](#)

[Broadcasts of Arguments Including Archives](#)

[Directions to the Supreme Court](#)

## Oral Argument Press Summaries

**Oct. 31-Nov. 4, 2016** no arguments on Oct. 31 or Nov. 4

**Tuesday, Nov. 1**

R.J. Reynolds Tobacco Co. v. Phil J. Marotta, etc., [SC16-218](#)

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

Mr. Marotta sued R.J. Reynolds, accusing the cigarette-maker of liability and negligence in the death of his father, a smoker who died from lung cancer at age 47. The trial court awarded Mr. Marotta and two other survivors \$3.48 million in damages. The Fourth District Court of Appeal upheld that ruling but also asked this Court to rule whether federal law blocks lawsuits in state courts by Florida smokers or their families alleging liability and negligence by tobacco companies.

Gainesville Woman Care, LLC, et al., v State, et al., [SC16-381](#)

statewide – starts about 9:40 a.m.

Gainesville Woman Care challenged the constitutionality of a new state law that imposes a 24-hour waiting period in abortion cases. The trial court granted the clinic's request for a temporary injunction blocking implementation of the law. The First District Court of Appeal lifted the injunction, ruling the requirements for a temporary injunction

were not met. This Court later granted review of and stayed the 1st DCA decision, effectively restoring the trial court's injunction.

--10 minute break--

Nancy Hooker v. Timothy Hooker & Timothy Hooker v. Nancy Hooker, [SC15-1881](#) & [SC16-589](#)

Palm Beach County – starts about 10:30 a.m.

The trial judge in Nancy and Timothy Hooker's divorce ruled that two properties were marital and subject to equitable distribution: a Florida property with a horse farm and family home and property in New York where the family spent summers. The Fourth District Court of Appeal overturned the trial court as to the Florida property, finding that it belonged solely to Timothy Hooker, but upheld the trial court's decision as to the New York property. Nancy Hooker asked this Court to review the ruling as to the Florida property and Timothy Hooker asked this Court to review it as to the New York property.

Matthew Caylor v. State & Matthew Caylor v. Julie Jones, etc., [SC15-1823](#) & [SC16-399](#)  
Bay County – starts about 11:10 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.

## **Wednesday, Nov. 2**

Advisory Opinion to the Attorney General Re: Voter Control of Gambling in Florida & Advisory Opinion to the Attorney General Re: Voter Control of Gambling in Florida (FIS), [SC16-778](#) & [SC16-871](#)

statewide – starts about 9:00 a.m.

A citizen's initiative group, Voters in Charge, has sponsored a proposed constitutional amendment that would require voters to authorize casino gambling in Florida through the citizen's initiative process. The Court reviews citizen initiatives for compliance with two standards: Does the proposed change to the state constitution deal with only one subject and does the ballot title and summary fairly describe the amendment for voters.

Citizens of the State of Florida v. Art Graham, etc., et al., [SC16-141](#)  
statewide – starts about 9:40 a.m.

The Public Service Commission, which regulates Florida's public utilities, approved a request by Florida Public Utilities Company to recover costs related to construction of a transmission interconnection from its customers through fuel charges. The Office of Public Council, which represents the interests of citizens of the state in cases before

utility regulators, asked this Court to overturn that decision, arguing it violates a settlement reached by the Public Council and Florida Public Utilities Company as well as PSC policy. The Commission argues there is no evidence its approval of the utility's request violates the settlement.

--10 minutes break--

Renaldo McGirth v. State & Renaldo McGirth v. Julie Jones, [SC15-953](#) & [SC16-341](#)  
Marion County – starts about 10:30 a.m.

Mr. McGirth was convicted of the first-degree murder of Diana Miller, who was fatally shot in 2006. 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 Mr. McGirth filed a post-conviction challenge in the trial court, electing to represent himself. It was denied and this appeal followed.

David Snelgrove v. State & David Snelgrove v. Julie Jones, [SC15-1659](#) & [SC16-124](#)  
Flagler County – starts about 11:10 a.m.

Mr. Snelgrove was convicted of the first-degree murders of Glyn and Vivian Fowler, who were fatally beaten and stabbed in 2000. He was sentenced to death but this Court vacated the sentences on direct appeal and ordered a new penalty hearing. The jury voted 8-4 to recommend a death sentence for each murder and the trial court condemned him to death again. This Court upheld his sentences on direct appeal and Mr. Snelgrove filed a post-conviction challenge in the trial court. It was denied and this appeal followed.

### **Thursday, Nov. 3**

Heather Worley v. Central Florida Young Men's Christian, etc., [SC15-1086](#)  
Orange County – starts about 9:00 a.m.

Ms. Worley sued the Central Florida YMCA after tripping and falling over a parking stop in its parking lot. During depositions, a dispute developed over what information she must provide about the relationship between her doctor and her lawyer. The trial court ordered her and her lawyers to provide much of the information sought by the YMCA. The Fifth District Court of Appeal upheld that ruling and Ms. Worley asked this Court to review.

Enoch Hall v. State & Enoch Hall v. Julie Jones, etc., [SC15-1662](#) & [SC16-224](#)  
Volusia County – starts about 9:40 a.m.

Mr. Hall was convicted of the first-degree murder of Donna Fitzgerald, an officer with the Department of Corrections who was fatally stabbed, strangled and beaten in 2008. The jury voted unanimously to recommend a death sentence and the trial court condemned

him to death. This Court upheld his sentence on direct appeal and Mr. Hall filed a post-conviction challenge in the trial court. It was denied and this appeal followed.

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Randy W. Tundidor v. State, [SC14-2276](#)  
Broward County – starts about 10:30 a.m.

Mr. Tundidor was convicted of the first-degree murder of Joseph Morrissey, who was fatally stabbed in 2010. The jury voted unanimously to recommend a death sentence, and the trial court condemned him to death. This appeal followed.

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