



Supreme Court of Florida

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Oral Argument Press Summaries Week of Dec. 1-5, 2014

There are no arguments on Dec. 1 or Dec. 5

Tuesday, Dec. 2

In Re: Amendments to Rule Regulating The Florida Bar 1-7.3, [SC14-1165](#)

Statewide – starts about 9:00 a.m.

A group of 522 Florida lawyers have petitioned the Court to give The Florida Bar permission to increase the annual membership dues by up to \$100 to raise money for legal aid. Annual dues are now \$265. The Bar opposes the motion.

Jared Bretherick v. State, [SC13-2312](#)

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

Mr. Bretherick was charged with aggravated assault with a firearm after a traffic confrontation with the driver of another vehicle. He filed a pretrial motion arguing that he acted in self-defense and should be immune from prosecution under Florida's Stand Your Ground Law. The trial court denied his motion after an evidentiary hearing and the Fifth District Court of Appeal upheld that ruling. The 5th DCA also certified a question for this Court's review regarding the burden of proof at such a pretrial hearing.

--10-minute break--

State v. Dean Shelley, [SC14-755](#)

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

Mr. Shelley pled guilty to two charges: traveling to meet a minor to engage in unlawful sexual conduct with a child and using a computer to solicit consent from a parent or guardian to a child's participation in sexual contact. He also reserved the right to appeal. On appeal, he argued that the two convictions violated his constitutional protection against double jeopardy. The Second District Court of Appeal agreed that double jeopardy was violated and certified conflict with a decision of the First District Court of Appeal.

Wednesday, Dec. 3

Brett Bogle v. State & Brett Bogle v. Michael Crews, [SC11-2403](#) & [SC12-2465](#)

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

Mr. Bogle was convicted of the first-degree murder of Margaret Torres, who was fatally beaten in 1991. The jury voted 10-2 to recommend the death penalty and the trial court condemned Mr. Bogle to death. This Court upheld his sentence on direct appeal and Mr. Bogle filed a postconviction challenge in trial court. It was denied and this appeal followed.

Andrew Allred v. State, [SC13-2170](#)

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

Mr. Allred pled guilty to the first-degree murders of Michael Ruschak and Tiffany Barwick, who were fatally shot in 2007. He waived his right to a penalty hearing before a jury and the trial judge sentenced him to death. This Court upheld his sentence on direct appeal and Mr. Allred filed a postconviction challenge in trial court. It was denied and this appeal followed.

Thursday, Dec. 4

Lucille Soffer, etc., v. R.J. Reynolds Tobacco Co., [SC13-139](#)

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

Mrs. Soffer sued R.J. Reynolds, seeking damages for negligence, fraud, conspiracy and liability in the 1992 death of her husband, Maurice Soffer. Her suit was one of several thousand filed in Florida's courts in the wake of a class-action lawsuit against tobacco companies filed in 1994 on behalf of all Florida smokers. In her individual lawsuit, Mrs. Soffer asked for punitive damages for all claims. The trial judge ruled punitive damages were limited to only certain claims. Mrs. Soffer was awarded \$2 million in compensatory damages but no punitive damages. She appealed the ruling on punitive damages; the First District Court of Appeal upheld the trial court.

R. J. Reynolds v. Pamela Ciccone, as personal representative of the Estate of George Ciccone, deceased, [SC13-2415](#)

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

Ms. Ciccone sued R.J. Reynolds in 2004, seeking damages after her husband's death from lung cancer in 2002. She argued she should be treated as a member of the class-action lawsuit filed against tobacco companies in 1994 on behalf of all Florida smokers. R.J. Reynolds argued she should not be treated as a member of that lawsuit because her husband's illness did not manifest itself until after the deadline to be part of the original lawsuit. The jury found she could be considered a member and awarded her over \$1 million in compensatory and punitive damages. On appeal, the Fourth District Court of Appeal upheld the ruling on membership in the original class-action lawsuit reversed the award of punitive damages.

--10-minute break--

Howard Browning v. Lynn Anne Poirier, [SC13-2416](#)

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

Mr. Browning sued Ms. Poirier, alleging she reneged on an oral agreement to split lottery winnings after buying a ticket worth \$1 million. The trial judge granted Ms. Poirier's motion for a directed verdict and Mr. Browning appealed. The Fifth District Court of Appeal first overturned the trial court but then, after agreeing to reconsider, upheld the trial court. The 5th DCA also certified the case to this Court as one having a question of great public importance.

Scott Morris, et al., v City of Cape Coral, [SC14-350](#)

Lee County – starts about 11:10 a.m.

The city of Cape Coral sought court validation of its proposal to issue bonds to raise funds to buy equipment for and make improvements in the city's fire department. The bond will be repaid by assessments on city property. Mr. Morris and other property owners challenged the validity of the assessment; the trial court, however, validated the bond issue.

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