



Supreme Court of Florida

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Oral Argument Press Summaries

December 6, 7, & 8, no cases on December 5 and 9

Tuesday, December 6, 2022

[SC20-1685 The Florida Bar v. Brian P. Rush](#)

Begins at 9:00 a.m. ET

In this attorney discipline case, the Florida Bar accuses Mr. Rush of seven violations of the ethical standards for lawyers, including refusing to comply with the client's wishes and submitting court filings to benefit his own interests. The judge-referee recommends that this Court suspend Mr. Rush for three years and pay Bar costs in the disciplinary proceedings. The Florida Bar supports the recommendation. Mr. Rush challenges the referee's findings of fact, recommendations of guilt, and sanctions.

[SC21-1450 Zavion Alahad v. State of Florida](#)

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

Alahad was convicted of second-degree murder and attempted robbery with a firearm. Alahad filed a motion before trial to suppress eyewitness testimony obtained during a police out-of-court show-up. Alahad argued that the show-up, a practice where law enforcement presents only one suspect to an eyewitness for identification, violates his due process rights because it was unnecessarily suggestive and led to a substantial likelihood of irreparable misidentification by the eyewitness. The trial court denied the motion. Alahad appealed to the Fourth District

Court of Appeal, arguing that the trial court erred by denying his motion. Under the abuse of discretion standard of review, the Fourth DCA upheld the trial court ruling, and this discretionary review proceeding followed. Alahad argues that the Fourth DCA decision conflicts with a decision of this Court and another appellate court decision.

10-minute break

[SC21-1767 Christian Cruz v. State of Florida](#)

Volusia County – begins about 10:30 a.m.

Cruz was convicted of the first-degree murder of Christopher Jemery, who was shot to death in 2013. The jury unanimously recommended a death sentence, and the trial court sentenced Cruz to death. On his direct appeal, this Court affirmed his conviction and remanded the case to the trial court for a limited resentencing hearing and a new sentencing order. Cruz was resentenced to death. He now appeals his resentencing order to this Court.

Wednesday, December 7, 2022

[SC21-651 City of Tallahassee, Florida v. Florida Police Benevolent Association, Inc., et al.](#)

Leon County – Begins at 9:00 a.m. ET

The issue here is whether—in certain instances—the names of police officers involved in use-of-force incidents can be protected from public disclosure per the Florida constitutional provision known as Marsy’s Law. After two separate incidents in which Tallahassee police officers responded to threats against their lives by shooting and killing their assailants, the Florida Police Benevolent Association (FPBA) filed a motion to stop the City of Tallahassee from releasing the officers’ names. The FBPA argued that the officers were victims under Marsy’s Law and thus entitled to anonymity. The trial court denied the motion, but the First District Court of Appeal reversed, finding that nothing in the text of Marsy’s Law prohibits its application to police officers, and that such application does not conflict with Florida law or infringe on the constitutional right of citizens to inspect public records. The City of Tallahassee asks this Court for review.

[SC19-1819 Pinellas County, Florida v. Gary Joiner, Etc., et al.](#)

Pasco County – begins about 9:40 a.m.

Pinellas County purchased property in neighboring Pasco County and was charged ad valorem taxes by the Pasco County Property Appraiser. Pinellas County sued the Property Appraiser, arguing that it is not subject to such taxes on the basis of sovereign immunity. Pasco County argued, however, that Pinellas County’s immunity from taxation does not extend into Pasco County. The trial court ruled in favor of Pinellas County. On appeal, the Second District Court of Appeal reversed the trial court decision, and this appeal followed. The Second DCA certified a question of great public importance to this Court.

Thursday, December 8, 2022

[SC22-122 In Re: Report and Recommendations of the Workgroup on Improved Resolution of Civil Cases](#)

Begins at 9:00 a.m. ET

The Workgroup on Improved Resolution of Civil Cases has submitted a final report proposing amendments to the Florida Rules of Civil Procedure, the Florida Rules of General Practice and Judicial Administration, the Florida Small Claims Rules, and the Florida Rules for Certified and Court-Appointed Mediators. Proposed amendments would provide for court case management of civil cases with early judicial intervention, adherence to established deadlines, and reporting of case management data. This Court invited comments from interested parties and received 68 comments. The Workgroup filed a response to the comments and suggested revisions to its initial proposed amendments.

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