



Supreme Court of Florida

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Oral Argument Press Summaries October 2-3, 2018

October 2, 2018

David P. Trotti v. Rick Scott, Governor, et al. [SC18-1217](#)
Leon County – starts about 9:00 a.m.

Mr. Trotti filed qualifying paperwork with the Secretary of State to run for a prospective vacancy in the November 2018 election after a judge in the Fourth Judicial Circuit submitted his resignation. Governor Scott began the nominating process to fill the vacancy by appointment rather than election. Mr. Trotti filed a lawsuit to stop the Governor arguing the replacement should be elected, not appointed. The trial judge agreed with Mr. Trotti and blocked the governor from moving forward with an appointment process. Governor Scott appealed, and the First District Court of Appeal reversed the trial court's ruling. Mr. Trotti asks this Court for review.

Laverne Brown v. State of Florida [SC18-323](#)
Orange County – starts about 9:40 a.m.

Ms. Brown was found guilty of petit theft and sentenced to three years in prison. After the trial, Ms. Brown filed a motion to correct sentencing error arguing the judge improperly found her to be a danger to the public, which resulted in a harsher sentence. She claimed a jury must make this finding and the judge was not authorized to make an upward departure in sentencing. The trial court denied the motion. On appeal, the Fifth District Court of Appeal agreed with the trial court, upheld the prison sentence, and ruled that the statute requiring the trial court instead of the jury to make the upward departure finding is constitutional. Ms. Brown asks this Court for review and argues her sentence violates the Sixth Amendment.

--10-minute break--

State of Florida v. Gerald Delane Murray & Gerald Delane Murray v. State of Florida & Gerald Delane Murray v. Julie L. Jones, etc. [SC17-707](#), [SC18-334](#) & [SC18-560](#)
Duval County – starts about 10:30 a.m.

Mr. Murray was convicted in 1994 of first-degree murder, burglary with assault, and sexual battery of Alice Vest in 1990. This Court reversed the convictions and sentence findings and ordered a new trial. In 2003 he was convicted of first-degree murder. 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. Mr. Murray filed post-conviction challenges in the trial court including a claim that he was entitled to be resentenced pursuant to this Court's decision in *Hurst v. State*. The trial court granted resentencing. This appeal followed.

October 3, 2018

William J. Vickers v. Annie D. Thomas [SC18-270](#)
Seminole County – starts about 9:00 a.m.

In 2010 Ms. Thomas was permanently injured in an auto accident caused by Mr. Vickers. At trial, the jury awarded 1.4 million in damages to Ms. Thomas. On appeal, the Fifth District Court of Appeal affirmed the award for damages in part and reversed in part. Mr. Vickers appealed the Fifth District Court decision claiming the court incorrectly applied the harmless error analysis and the decision conflicts with decisions of this Court and other district courts of appeal.

Trial Practices, Inc. v. Hahn Loeser & Parks, LLP, etc. [SC17-2058](#)
Hillsborough County – starts about 9:40 a.m.

Trial Practices, Inc. (TPI) sued Jack Antaramian for breach of contract alleging that Mr. Antaramian failed to pay for litigation consulting services provided to him in another lawsuit. A jury found in favor of Mr. Antaramian, and the trial court ordered TPI to pay

his attorneys' fees and costs, which totaled approximately \$2.4 million. On appeal of the fee award, TPI argued Mr. Antaramian violated Florida law and Florida Bar rules regarding witness rates and payments. The Second District Court of Appeal rejected TPI's argument but certified a question of great public importance to this Court. TPI asks this Court to set aside the trial court's fee award in its entirety.

--10-minute break--

Margaret A. Allen v. State of Florida [SC17-1623](#)
Brevard County – starts about 10:30 A.M.

Ms. Allen was convicted of the first-degree murder and kidnapping of Wenda Wright, who was strangled to death in 2005. The jury voted 12-0 to recommend a death sentence, and the trial court condemned her to death. This Court upheld the sentence on direct appeal and Ms. Allen filed a post-conviction challenge in trial court. It was denied and this appeal followed.

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