

Supreme Court of Florida

No. SC93353

SHIRLEY SAWCZAK,
Petitioner,

vs.

ALAN GOLDENBERG, et al.,
Respondents.

[January 4, 2001]

LEWIS, J.

We have for review Sawczak v. Goldenberg, 710 So. 2d 996 (Fla. 4th DCA 1998), which has been presented to the Court on the basis of express and direct conflict with multiple cases which have addressed and decided the issue of whether unobjected to, improper comments made during closing argument rise to a level of seriousness as to warrant the granting of a new trial to the complaining party. We have jurisdiction. See Art. V, § 3(b)(3), Fla. Const. We have recently addressed the primary issue presented for conflict in the instant case in Murphy v. International

Robotic Systems, Inc., 766 So. 2d 1010 (Fla. 2000), and articulated the applicable law.

Therefore, we remand the cause to the district court for reconsideration in light of our opinion in Murphy. We decline to address other collateral issues.

It is so ordered.

WELLS, C.J., and SHAW, HARDING, ANSTEAD, PARIENTE and QUINCE, JJ.,
concur.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND IF
FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal -
Direct Conflict

Fourth District - Case No. 4D96-2253

(Broward County)

Herman J. Russomanno and Robert J. Borrello of Russomanno & Borrello, P.A.,
Miami, Florida,

for Petitioner

Shelley H. Leinicke of Wicker, Smith, Tutan, O'Hara, McCoy, Graham & Ford, P.A.,
Fort Lauderdale, Florida; Esther E. Galicia of George, Hartz, Lundeen, Flagg &
Fulmer, Fort Lauderdale, Florida; and Clark J. Cochran, Jr. and Hal B. Anderson of
Billing, Cochran, Heath, Lyles & Mauro, P.A., Fort Lauderdale, Florida,

for Respondents