

Electronic Newsletter

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Help Us Help Others

Greetings!

The Law Firm of Stephen M. Reck wishes you and your family a Happy Passover, Happy Easter, and Happy Spring!

April is National Distracted Driving Awareness Month



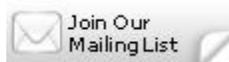
Across the country, "the traffic safety community has a simple message for drivers: [One Text or Call could Wreck it All.](#)" Be part of the solution!

AAA: Teen Girls Twice as Likely as Boys to Use Electronic Devices While Driving

"Teen girls are twice as likely as teen boys to use cell phones and other electronic devices while driving, according to a new in-car video study released today by the AAA Foundation for Traffic Safety. Electronic devices were the most commonly observed distracted driving activity for new teen drivers of both genders, although video captured many other serious distractions as well." Read [more](#).

Will There Be Justice For Trayvon?

Media, Activists Mislead on 'Stand Your Ground'



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Study: Medical Devices Have Poor Safety Record

FDA Review Process Flawed

A study by Consumer Reports finds that "while tens of millions of American consumers live with medical devices implanted in their bodies, many of these implants have never been tested for safety. In fact, according to the story, manufacturers are often required to do nothing more than file paperwork and pay a user fee before bringing

Law

Legal scholar David Kopel wrote an article for the [Washington Times](#) debunking the myth that Florida's gun law is a license to kill. He wrote:

The assertion that Florida law allows shooting whenever someone believes it to be necessary is a flat-out lie. The actual law of Florida is that "a person is justified in the use of deadly force" if "(1) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony" (Florida Statutes, Section 776.012). The second part of the law provides special provisions for self-defense against violent home invaders or carjackers. Neither of those is relevant to the Zimmerman case.

If the factual claims of Trayvon's supporters are true, Mr. Zimmerman criminally attacked Trayvon and killed him, while having no reasonable belief that Trayvon was perpetrating a forcible felony, or imminently about to kill or gravely wound Mr. Zimmerman. So Florida's self-defense laws simply would not apply, since Mr. Zimmerman would have no right under Florida law to use deadly force.

Florida's rule that deadly force may be used to prevent "imminent death or great bodily harm" or "the imminent commission of a forcible felony" is the norm throughout the United States.

Like the majority of American states, Florida does not mandate that victims of a violent crime attempt to retreat before they defend themselves. The retreat rule is irrelevant, regardless of whether you believe Trayvon's advocates or Mr. Zimmerman's advocates.

According to one side, Mr. Zimmerman was the criminal aggressor. Thus, he would have no self-defense rights at all. According to the other side, Trayvon attacked Mr. Zimmerman, knocked him to the ground, got on top of him and continued the attack. So Mr. Zimmerman would have had no ability to retreat. Either way, the retreat rules for lawful defenders have nothing to do with this case.

Despite what the gun prohibition lobbies claim, the no-retreat rule has deep roots in traditional American law. At the Supreme Court, the rule dates back to the 1895 case of *Beard v. United States*, in which the great Justice John Harlan wrote for a unanimous court that the victim "was not obliged to retreat, nor to consider whether he could safely retreat, but was entitled to stand his ground, and meet any attack upon him with a deadly weapon, in such a way and with such force as, under all the circumstances, he, at the moment, honestly believed, and had reasonable grounds to believe, were necessary to save his own life, or to protect himself from great bodily injury."

The great progressive Justice Oliver Wendell Holmes also expressed the unanimous opinion of the court "that if a man reasonably believes that he is in immediate danger of death or grievous bodily harm from his assailant he may stand his ground and that if he kills him he has not exceeded the bounds of lawful self-defense. ... Detached reflection cannot be demanded in the presence of an uplifted knife" (*Brown v. United States*, 1921).

Even among the more restrictive states, such as New York, retreat is not required before using deadly force in the home, to prevent a burglary, robbery, kidnapping, rape or other forcible criminal sexual attack. Thus, whether you are in Lake Placid, N.Y., or Lake Placid, Fla., and someone attempts to rob you when you are walking down the street, you have no duty to retreat before using deadly force to thwart the robbery.... The relevant Florida law is that a law enforcement agency "may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful" (Florida Statutes Section 776.032). This simply restates the Fourth Amendment of the U.S. Constitution, which, by its express language, forbids arrests without probable cause.

Kopel concludes that there is nothing in Florida law that is unusual or that "prevents justice from being done in the Zimmerman case."

CDC: Imported Foods Linked to Increasing Food Illnesses

The [LA Times](#) reported "Food-borne illnesses caused by fish, spices, produce and other edibles imported

their products to market." The U.S. Food and Drug Administration's 510(k) approval process allows device makers to "get clearance to market a device that is 'substantially equivalent' in safety and effectiveness to another lawfully marketed device when used for the same intended purpose." Read [more](#).

Recall Central

To read about recent recalls and product safety news from the U.S. Consumer Product Safety Commission, click [here](#).

Get the latest recall information from the National Highway Traffic Safety Administration [here](#).

The Dept. of Agriculture's Food Safety and Inspection Service regulate meat, poultry products and processed eggs. Check their recalls [here](#).

Click [here](#) for Food and Drug Administration recalls, market withdrawals and safety alerts.

For updates on the peanut products recall click [here](#).

CT Legislators Consider Easing Restrictions on Malpractice Cases

The [AP](#) reported, "State lawmakers are moving ahead with legislation they say will fix a problem with Connecticut's medical malpractice law that has kept some legitimate lawsuits out of the courts, despite heavy opposition from the medical industry. " Under current law adopted in 2005, plaintiffs can be dismissed without a hearing on the merits if they lack an opinion from the same type of provider. Legislators "say they never intended for the 2005 law to spark hosts of court fights over the credentials of the pre-lawsuit opinion writers and have proposed a bill that would increase the types of health care providers who can write the opinions" and would change the requirement for a "similar" healthcare provider to a "qualified" one. The AP added that medical malpractice suits in the state "has dropped about 20 percent to about 290 a year since the law took effect."

Don't Drive

from other countries seems to be on the rise - but the countries of origin may be changing, according to a new report from the Centers for Disease Control and Prevention." In "39 outbreaks caused by foreign food (which caused 2,348 illnesses) from 2005 to 2010," the CDC noted that "nearly half of the outbreaks came from areas that hadn't previously been associated with such diseases," and thus "the true extent of the outbreaks is probably much more expansive than reported."

The [Wall Street Journal](#) reported that according to CDC estimates, every year approximately 48 million Americans become ill through food poisoning, and 3,000 die. An FDA spokeswoman noted that the FDA inspected about 1,000 out of 254,000 foreign-based food-processing facilities in 2011, but expects to increase this number due to a new food-safety law.

About Our Firm



At [The Law Firm of Stephen M. Reck](#), justice is our mission. Our firm is well known and well respected for its ability to handle personal injury, wrongful death, and

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The trial attorneys at The Law Firm of Stephen M. Reck, LLC represent individuals in all types of personal injury cases throughout the state of Connecticut and the state of Rhode Island, including, in Connecticut: New London County, New Haven County, Middlesex County, Hartford County, Tolland County, and Windham County; and in Rhode Island: Bristol County, Kent County, Newport County, Providence County, and Washington County.

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