

Florida Appeals Court Decisions: Week of May 15 - 19, 2023

May 20, 2023

U.S. Eleventh Circuit Court of Appeals

Smith v. Ala DOC - sentencing, Eighth Amendment

Thompson v Regions Sec - FLSA, overtime

Ruiz v. US Att'y Gen - immigration, battered spouses

Global Network v. CenturyLink - implied contract, bailment, Florida law

Hall v. Merola - § 1983, possible *Heck* bar

Florida Supreme Court - Tallahassee

Orme v. State - capital case, direct appeal

Foley v. State - pro se sanctions

First District Court of Appeal - Tallahassee

Newberry v. Alachua - appellate jurisdiction, injunctive relief

Beasley v. United Casualty - summary judgment, continuance

DM v. DCF - parental rights, termination

Gardner v. State - postconviction relief

Gillespie v. FCOR - mandamus, duty to rule

Crusaw v. DOH - administrative appeal, jurisdiction

Second District Court of Appeal - St. Petersburg

Pocock v. Pocock - venue

Hartshorn v. State - postconviction relief

WLT Software v. Brooks - rule 1.540, voluntary dismissal

Third District Court of Appeal - Miami

Shapiro v. WPLG - sanctions

Larkins v. Mendez - convenience account, civil contempt

FIU Bd of Trs v. Alexandre - sovereign immunity, waiver, certified question

Citizens v. All Ins - wholly favorable judgment

Ozyesilpinar v. Reach - defamation, opinion, permanent injunction

Lazow v. Synamon - default for possession

Vereit v. Fitness - rent, Covid, force majeure, impossibility, impracticability, frustration of purpose

Fourth District Court of Appeal - West Palm Beach

Saunders v. Baseball Factory - negligence, duty to protect

Testa v. Jupiter Island - certification, ordinance advertising

McDonald v. State - undisclosed evidence, improper statements

Innocent v. Innocent - dissolution, dissipated assets, child support

Bernardo v. Biemer - dissolution, alimony

HRB Tax v. Fla Inv Bureau - punitive damages, vicarious liability

Duke v. Duke - certiorari, post-judgment discovery

Fifth District Court of Appeal - Daytona Beach

Enlow v. EC Scott Wright PA - malpractice, accrual

Hawryluk v. Hawryluk - dissolution, support, fees

Babcock v. Golden Acres - dismissal, subject matter jurisdiction

Waskiewicz v. DCF - Institutional Care Program Medicaid benefits

Brutus v. Giles - dissolution, equitable distribution, alimony

Grant v. State - Anders appeal, scrivener's error

Henslee v. State - Anders appeal, cost

Walters v. State - prohibition, medical records

Melendez v. State - Spencer bar, pro se

Seminole Cty v. APM Constr - certiorari, presuit administrative remedies

Lazaroff v. Meek - new trial, improper counsel statements

Yellow Cab v. Lutchman - damages, set off

Tyson v. State - Richardson hearing, discovery

[Warren v. State](#) - Spencer bar, pro se

[Williams v. State](#) - Spencer bar, pro se

[Williams v. Lomeli](#) - appellate jurisdiction, timeliness

[Melendez v. Melendez](#) - dissolution, contempt, appellate jurisdiction

Sixth District Court of Appeal - Lakeland

[Blanco v. Santana](#) - domestic violence injunction

[Gray v. Fla. Peninsula](#) - insurance, statutory construction

[David v. Davis](#) - child custody, timesharing

[Chambers v. State](#) - postconviction

[Shassian v. Riverwalk Park](#) - appellate jurisdiction, finality

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