

Florida Appeals Court Decisions: Week of April 19 - 23, 2021

April 24, 2021

U.S. Eleventh Circuit Court of Appeals

Crocker v. Beatty - qualified immunity, excessive force, First Amendment

Hunstein v. Preferred Collection - standing, FDCPA

Mack v. USAA - standing, class actions, declaratory judgment

Moore v. Intuitive Surgical - Daubert, expert witness, reassignment of district judge

Nance v. GA DOC - denial of en banc rehearing, method of execution, capital punishment

Tonkyro v. VA - retaliation, vacating prior opinion

US v. Osorto - re-entry, sentencing

US v. Pendergrass - jury selection, harmless error, evidence sufficiency, vacating prior opinion

US v. Rum - tax reporting, willfulness

Florida Supreme Court - Tallahassee

Smith v. State - capital case, direct appeal

In re Marijuana Amend - proposed constitutional amendment, judicial review

First District Court of Appeal - Tallahassee

Love v. Young - FCRA, gender identity, public accommodation

Walton Plantation v. OPO - attorney's fees, intertwined claims

Thomas Home v. Em Coast Util - writ jurisdiction, oral order

Thomas Home v. Em Coast Util - appellate jurisdiction, oral order

Taylor v. State - murder, evidence, heat of passion instruction, *Miranda*

Maestas v. State - sentencing

McCray v. State - pro se with counsel

Arrington v. Arrington - child support

Brooks v. Brooks - limited purpose evidence, proposed order adopted verbatim

Jackson v. State - appellate jurisdiction, rule 3.800(c)

Banks v. Anderson - summary reversal

Brown v. State - juvenile sentencing

Phillips v. State - child hearsay, six-person juries

Escambia Cnty v. Plymouth Park - Applegate affirmance

Henry v. State - pro se sanctions

Orlando Fire Fighters v. Orlando - PERC, collective bargaining

Miller v. State - probation revocation

Hines v. State - mandamus, duty to rule, mootness

Second District Court of Appeal - Lakeland

Duryea v. Bono - parental relocation

Wright v. Norris - stalking injunction

Charlotte 650 v. Phillip Rucks - breach of contract, rejected delivery

Mercado v. Mercado - marital dissolution, child support

Carrollwood Cove CA v. Carrollwood Cove - condo declaration, attorney's fees

Third District Court of Appeal - Miami

Continental Motors v. Johnson - fine, failure to comply with order

Pucci v. Chou - proceedings supplementary

Meraki v. 1805 - motion to dismiss, personal jurisdiction

Hanson v. The Lofts Town Villas - untimely notice of appeal

Duquesne v. State - postconviction relief

Sosa v. State - postconviction relief, gain time

Morburger v. J. Reporting - small claims

National Fire v. Infinity - certiorari, insurance, motion to dismiss

Penoyer v. State - postconviction relief

Sweetwater v. Mejia - certiorari, discovery extension

Roberts v. Inch - postconviction relief

Fourth District Court of Appeal - West Palm Beach

Font & Nelson v. Path Med - contingent fee contract

Perry v. State - sentencing

Mavon v. Ft Lauderdale - temporary injunction

Allen v. State - relevant evidence, motive

Scofield v. State - duplicative judgment, fee

Arriechi v. Bianchi - relief from judgment, evidence

Locke v. Whitehead - excusable neglect

Shake v. Yes We Are Mad - temporary injunction

Kusayev v. Kusayev - forum non conveniens

S Fla Pain & Rehab v. Infinity Auto - PIP, attorney's fees

Fifth District Court of Appeal - Daytona Beach

Forrester v. School Bd of Sumter Cty - firearm preemption, § 790.33

Richeson v. South's Custom Constr - satisfaction of mortgage, summary judgment

Robinson v. State - sentence

Thrasher v. State - sentence

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