

Florida Appeals Court Decisions: Week of April 5 - 9, 2021

April 10, 2021

U.S. Eleventh Circuit Court of Appeals

Hoever v. Marks - en banc, punitive damages, First Amendment retaliation

Birmingham Ministries v. Sec'y State, Ala - voting rights

Hearn v. Comcast - arbitration

Hardigree v. Lofton - summary judgment

Bailey v. Metro Ambulance - Title VII

Ramji v. Hospital Housekeeping - FMLA

Peer v. Liberty Life Assurance - ERISA, attorney fees

Aspilaire v. AG - removal, aggravated felony

Martinez v. AG - asylum

Gil v. Winn-Dixie - ADA, websites

US v. Elysee - hearsay, evidence admissibility, plain error

Circuitronix v. Shenzen - tolling, directed verdict

Parker v. US - 2255, criminal predicate

Florida Supreme Court - Tallahassee

Earl v. State - illegal sentence

State v. Gabriel - sentencing

In re Fla R Civ P - amended rules, service without filing

In re Fla R Civ P 1.650 - amended rule, medical presuit

In re Fla R Civ P 1.260 - amended rule, death statement

Morris v. State - capital case, postconviction relief

First District Court of Appeal - Tallahassee

DECA v. Beckett - workers' compensation

Sanders v. State - Miranda, murder evidence, sentencing
Johnson v. State - preservation of error
Mims v. State - preliminary ruling, necessity of proffer
Summers v. Williams - habeas corpus
Whitworth v. State - pro se with counsel
Peterson v. State - postconviction relief
Carter v. Lawson - mandamus, judicial default
Clark v. State - DUI manslaughter, evidence, sentencing
PBA v. Tallahassee - Marsy's Law, law enforcement
Riley v. State - habeas corpus
Rodriguez v. Inch - habeas corpus
DeSantis v. Weston - firearms, statutory preemption
Cavalry Portfolio v. Hodges - certiorari, litigation immunity
Kendrick v. Glover - domestic violence injunction
Ortega v. Wood - marital dissolution, equitable distribution, income
Owens v. Owens - cross-examination preclusion
Powell v. Evanson - contempt, imprecise order
Araguel v. Bryan - mootness, expired protective order
Collins v. State - pro se sanctions
Cain v. State - pro se sanctions
Bouie v. State - mandamus, futile or impossible act
Ward v. Franklin Cnty Jail - pro se with counsel

Second District Court of Appeal - Lakeland

Clampitt v. Wick - proceedings supplementary
Adujar-Ruiz v. State - misdemeanor jurisdiction
Adamson v. Main St Oaks - foreclosure, damages, evidence
Frost v. Wilson - dating violence injunction
Baird v. Mason Classical Acad - certiorari, anti-SLAPP
Ortiz v. Ortiz - equitable distribution, child support, fees
Getts v. State - vehicular homicide, nonparty intoxication evidence
Tribble v. LO-B - § 57.105, findings
Touhcton v. Woodside Credit - declaratory judgment, auto title
Wish v. Lee Cnty - Bert Harris Act claim, certified question
People's Trust v. Island Roofing - certiorari, improper substitution
Webb Roofing v. FedNat Ins - insurance appraisal
White v. Boire - certiorari, punitive damages amendment
State v. Crecy - juvenile sentencing

Third District Court of Appeal - Miami

Sierra Auto v. Granada - summary judgment, duty to defend
Apesteguy v. Keglevich - marriage dissolution
Bailey v. Covington - civil theft, fraud, monies had and received
Rogers v. State - probation revocation
Mejia v. Egleston - complaint dismissal with prejudice
American Franchise v. Gastone - certiorari, partial summary judgment, immediate execution
Simpson v. 2699 Industrial - COVID-19, court registry access
Vazquez v. Smith - request to stay or recall mandate
Couto v. People's Trust - appellate jurisdiction

Fourth District Court of Appeal - West Palm Beach

Adv Diag Group v. Ocean Harbor Cas Ins - venue
Barrios v. State - spoliation, self-defense
MTGLQ Investors v. Leones - foreclosure, modification
Fla Holding 4800 v. Lauderhill Mall - purchase agreement, as is
Woliner v. Dept Health - public records, costs
People's Trust Ins v. Farinato - attorney's fees, necessary catalyst
Sharkey v. Hallandale Beach PD - mental anguish
HE v. DCF - protective supervision
Debernardo v. Villa Nova HOA - attorney's fees, findings

Fifth District Court of Appeal - Daytona Beach

Carmack v. Carmack - indirect civil contempt; retroactive child support
McIntosh Fish Camp v. Colwell - summary judgment, fraud
Harding v. State - no contest plea, guilt
Donovan v. State - *Spencer* bar, pro se
Varnadore v. State - *Anders* appeal, costs
Hicks v. State - *Spencer* bar, pro se
Barnes v. State - *Spencer* warning, pro se
Golub v. Golub - certiorari, prohibition; dissolution, bifurcation

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