

Florida Appeals Court Decisions: Week of August 19 - 23, 2019

August 23, 2019

U.S. Eleventh Circuit Court of Appeals

US v. Stahlman - opinion testimony, sentencing

Bowles v. DeSantis - stay of execution, § 1983

US v. Hawkins - opinion testimony

Diverse Power v. LaGrange City - state-action immunity

Pesci v. Budz - § 1983, First Amendment

Bowles v. Fla DOC - stay of execution, habeas corpus

Perez-Sanchez v. US - immigration

Huebner v. Bradshaw - search and seizure, excessive force

In re Bowles - successive habeas petition, stay of execution

Bellitto v. Snipes - NVRA, HAVA

Florida Supreme Court - Tallahassee

No decisions this week.

First District Court of Appeal - Tallahassee

Hicks v. State - en banc denial, appeal after plea

Marshall v. State - sentencing

Kever v. State - competency

Holmes v. State - second-degree murder, evidence

Roberts v. State - peremptory, scope of cross, lay opinion, past recollection recorded

Moore v. State - jury poll

Bell v. Jacksonville - limitations, relation back

Nolan v. State - detective's identification from video, new trial standard

DOH v. Redner - costs reversal following merits

Lewis v. OPD - mandamus, evidentiary hearing

Brown v. State - *Williams* rule evidence, challenging counsel's credibility

Schiano v. Hollywood PD - workers' compensation

Neurology Partners PA v. Progressive - second-tier certiorari, scope

Taulbee v. State - sentencing

Second District Court of Appeal - Lakeland

Shrader v. State - en banc review, use of; judgment of acquittal standard

Third District Court of Appeal - Miami

Moxey v. State - probation revocation

Miami v. Santos - injunction, administrative hearing

Proj Dev Ent v. Elka Hldgs - derivative claim, damages

Varela v. Ola CA - non-party discovery, attorney-client privilege

Diogo v. Diogo - *Applegate* affirmance

Mesa v. Miami-Dade - lack of prosecution, rule 1.540 challenge

McGee v. State - postconviction relief

CDC Cap Inv v. Specialized - *Applegate* affirmance

Reno v. Hurchalla - probate, trust

DiRusso v. CIT Bank - foreclosure sale

Cazarez v. State - postconviction relief

Aparicio v. Deutsche Bank - foreclosure sale

Real State Golden Inv v. Larrain - prohibition, judicial disqualification

Fourth District Court of Appeal - West Palm Beach

Natal v. State - reckless driving

Brown v. State - sentencing

Hudson v. State - collateral crime; self-defense

Maldonado v. State - search and seizure; GPS monitor

Homeowners Choice v. Mahady - certiorari; discovery; claims files

First Protective Ins v. Ahern - insurance; appraisal; waiver

North Broward Hospital v. Slusher - certiorari; medical negligence; dismissal

Fifth District Court of Appeal - Daytona Beach

Harris v. State - entrapment
State v. Washington - sentencing, downward departure
Swearingen v. Rio Villa - subject matter jurisdiction
#1 Anytime Bail v. State - remission, bond
Copeland v. State - ineffective assistance
Patel v. Patel - partition, evidentiary hearing
Guan v. Ellingsworth Res. Comm. Assn. - arbitration
Williams v. State - sentencing framework
Sharma v. State - plea, gain time, time to be served
Ford v. State - sentencing
George v. State - postconviction relief
Stewart v. State - sanctions, pro se filings

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