

Florida Appeals Court Decisions: Week of December 10 - 14, 2018

December 15, 2018

U.S. Eleventh Circuit Court of Appeals

Guillen v. US – immigration, controlled substances

Caron v. NCL (Bahamas) – subject matter jurisdiction, negligence

Carbone v. CNN – anti-SLAPP

Freyre v. Chronister – sovereign immunity

Florida Supreme Court - Tallahassee

Shelly v. State - Miranda, right to counsel

Martin v. State - hazing prohibition, constitutionality

State v. Lewars - prison release reoffenders

Lee v. State - double jeopardy

State v. Peraza - law enforcement, immunity

In re FIR Traffic Ct - amended rule

In re Fam L R Pro - amended rule

Rodriguez v. State - sentencing, *Hurst*

Jones v. State - sentencing, *Hurst*

In re Fla Std Jury Instr (Crim) - amended instructions

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First District Court of Appeal - Tallahassee

Bass v. State - jury interview, gruesome photo, resisting officer

Scott v. State - sentencing

US Fire v. Hackett - workers' compensation

Schroll v. Schroll - contempt, equitable distribution

Heard v. DOC - certiorari, gain time, ex post facto challenge
Rawson v. Gulf Coast Prop Mgmt - s. 57.105, rent proceeds
Little v. Davis - Murphy, attorney misconduct
Erskine v. Erskine - magistrate report, exceptions; alimony
Faison v. State - appellate jurisdiction
Golden v. Tanzler - telephonic appearance, prisoner
Sims v. State - ineffective assistance, double jeopardy, sentencing
State Farm v. Hanania - negligence, inference stacking
Gear v. State - dog tracking evidence
Elswick v. State - Faretta inquiry
Hansen & Adkins Auto v. Martin - workers' compensation
Hill v. State - postconviction relief
Dettelbach v. DBPR - public records, pending proceeding
Johnson v. State - sentencing, prison release reoffenders
St Lucie FCRD v. Fla Municipal - workers' compensation
Crown v. Prendiville - workers' compensation
Mathis v. State - workers' compensation

Second District Court of Appeal - Lakeland

Bravo v. State - community control revocation
Strickland v. Pinellas - dangerous animals, declaratory relief
Bing v. State - postconviction relief
Drossos v. State - Stand Your Ground; certified conflict
Tate v. Tate - domestic violence injunction
Bro v. Bro - equitable distribution

Third District Court of Appeal - Miami

White v. Ring Power - expert testimony, *Frye*; *Binger*
Rosen v. Harborside - loan guaranty, release
Sweeting v. State - closing argument, burden of proof
State v. Brown - search and seizure
Hayes Robertson v. Cherry - expert testimony, *Daubert*/*Frye*
Libman v. Fla Wellness - appellate jurisdiction

Fourth District Court of Appeal - West Palm Beach

Philip Morris v. Martin - punitive damages; comparative fault

Brown v. State – waiver; juvenile court; jurisdiction

Kenney v. Goff – alimony

Vento v. Balboa Ins – failure to amend; sanction; *Kozel*

McAbee v. McAbee – child custody; UCCJEA

Talcott Resolution v. Harford Life – structured settlement; enforcement

Rodriguez v. Wilmington Savings – foreclosure; attorney’s fees; standing

Fifth District Court of Appeal - Daytona Beach

Clarke v. State – sexual battery, mentally defective, certified question

Smith v. State – first degree murder, wiretap

CB Contractors v. Allens Steel – construction; indemnification, contractual, common law

Walsh v. Walsh – marital settlement agreement, contempt, enforcement

State v. Archer – criminal; suppression, plain view, exigency

Brown v. Poole – life insurance, constructive trust, statute of limitations

SS v. State – restitution, evidence

Vanacore Constr v. Osborn – compel arbitration

Smith v. State – postconviction relief

Hodge v. State – *Spencer* warning

Nemours Foundation v. Arroyo – certiorari, attorney-client privilege

Edwards v. State – postconviction relief

Sledge v. State – *Spencer* sanctions

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