

Florida Appeals Court Decisions: Week of February 17 - 21, 2020

February 21, 2020

U.S. Eleventh Circuit Court of Appeals

Sow v. US – immigration

Royal Palm Props v. Pink Palm Props – trademark

Jones v. Fla Gov – equal protection, injunction

Democratic Exec Cmte v. Nat Repub Sen Cmte – mootness, vacatur

Kondrat'yev v. City of Pensacola – standing, establishment clause

Florida Supreme Court - Tallahassee

Adv Op re Voter Approval - proposed constitutional amendment

First District Court of Appeal - Tallahassee

Brinson v. State - probation revocation, sex offender status

Kyle v. Carter - timesharing; appellate jurisdiction, contempt

Flowers v. State - search and seizure

Starkes v. State - criminal defense, taxable costs

Patin v. Davis - stalking injunction

Nilio v. State - postconviction relief, trial court jurisdiction

Lindsay v. Edwards - mootness

Second District Court of Appeal - Lakeland

Gundel v. AV Homes - class action, homeowners association

Naples v. Ethics Naples - city charter, citizens' initiative

Gage v. State - juvenile sentencing, certified conflict

VMOB v. DOR - sales tax assessments, penalty

DOR v. Bell - tax exemption, residency requirement, constitutionality

TRC v. State - burglary tools

Taylor v. State - postconviction relief

Third District Court of Appeal - Miami

Velazco v. State - testimony perpetuation; double jeopardy, certified conflict

Waves of Hialeah v. Machado - undertaker's doctrine; drug use evidence

People's Trust v. Bravo - insurance, property repair, injunction

Cordeiro v. Alves - rehearing, new affidavit

Shipman v. Wells Fargo - foreclosure sale, vacatur

NC v. State - resisting without violence, evidence

Guillen v. PNC Bank - rule 1.540

Spradley v. DOC - venue, agency home

Goldstein v. Ellman - lack of transcript

Brown v. Brown - preservation of error

Davide v. State - mandamus

Rodriguez v. Children's Home - pleading, pro se plaintiff

Vaz v. State - ineffective assistance, deportation

Davis v. Junior - habeas corpus, rule 3.133, hearsay evidence

Diaz v. State - ineffective appellate assistance, timely petition

Fourth District Court of Appeal - West Palm Beach

Quarles v. State – *Miranda*, waiver

Household Fin Corp III v. Williams – foreclosure; attorney's fees

Maclean v. State – lesser-included offense, instruction

State v. Sampaio – failure to return hired vehicle; statutory construction

Kostoglou v. Fortuna – charging order; LLC distributions

Oliver v. Winn-Dixie – slip and fall, constructive knowledge

Curtis v. Centauri Spec Ins – amount in controversy; circuit court jurisdiction

Kaiser v. Onlymoso – noncompete; temporary injunction bond

Fifth District Court of Appeal - Daytona Beach

State Farm v. Cadet - certiorari, appraiser, interest

Smith v. Cooper - error not argued

Carollo v. Henderson - certiorari, lis pendens, discharge

Rish v. State - postconviction relief

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