

Florida Appeals Court Decisions: Week of February 27 - March 3, 2023

March 03, 2023

U.S. Eleventh Circuit Court of Appeals

Leonard v Ala Bd of Pharmacy - abstention

McAlpin v. Town of Sneads - retaliation

Nealy v Warner Chappel Music - copyright

US v Turner - expert opinion, harmless error, dissent

Florida Supreme Court - Tallahassee

AC v. DCF - pro se sanctions

In re Fam L Forms - new forms

First District Court of Appeal - Tallahassee

Williams v. State - belated appeal

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

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

LB v. DCF - parental rights, termination, failure to prosecute

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

Hubbert v. Universal P&C - appellate jurisdiction, nonfinal order

Ortega v. RAAC - appellate jurisdiction, untimely appeal

DH v. DCF - parental rights, termination, failure to prosecute

Second District Court of Appeal - St. Petersburg

Richardson v. State - sentencing

EL v. AL - custody, basis to reject expert opinion

Third District Court of Appeal - Miami

LA v. State - probation, revocation

Team Health Holdings v. Caceres - dismissal, personal jurisdiction, subsidiary

Pierre v. State - consecutive sentences

IET v. Intellocorp I & IET v. Intellocorp II - settlement, breach, attorney's fees

Stern v. City of Miami Beach - dismissal, alternative writ of mandamus, public records

Knights v. Citizens - jury instructions, verdict form

Mesa v. Citizens - policy exclusion, hearsay testimony

Certain Underwriters v. Gables Ct CA - post-loss obligations, appraisal, waiver

Curry v. Crescent Bank - scheduling, trial date

Vera v. Diaz Toledo - MSA, offer, acceptance

Robinson v. State - postconviction relief

Westbrook v. State - pro se filings, prohibition

SMO v. DCF - parental rights, termination, evidence

Moore Bode v. Wilmington Savings - lis pendens

Unborn Child v. Reyes - habeas corpus, unborn child, incarceration, inadequate record

Fourth District Court of Appeal - West Palm Beach

Ezer v. Holdack - condo association, § 617.07401, derivative suit

Green v. Rockefeller-Silvia - summary judgment standard

Noa v. State - postconviction relief

Key v. State - postconviction relief

Johnston v. State - resisting arrest, sentencing

Fifth District Court of Appeal - Daytona Beach

Peebles v. Carlton Palms - failure to prosecute, record activity

HERC Rentals v. Superior Site Svcs - guaranty, joint liability

Baker v. Volusia County Sheriff - appellate jurisdiction, rendition

Strawder v. State - *Spencer* warning, pro se

Koppe v. State - open plea, sentence

Simmons v. State - special concurrence; felon, firearm possession

[White v. State](#) - *Spencer* warning, pro se

[Santiago v. Posey](#) - paternity, attorney's fees

Sixth District Court of Appeal - Lakeland

[State v. Andreskewicz](#) - unreasonable seizure

[Raducan v. State](#) - postconviction relief

[Lusby v. Canevari](#) - temporary injunctive relief

[Tuohey v. Garcia](#) - preservation of error

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