

Florida Appeals Court Decisions: Week of January 31 - February 4, 2022

February 05, 2022

U.S. Eleventh Circuit Court of Appeals

US v. Hardwick - restitution, ex post facto, sentencing

Cavalieri v. Avior Airlines - preemption, diversity, CAFA

Jackson Nat'l Life Ins v. Crum - certified question (Ga. Supreme Ct.), illegal wagering life insurance contract

TR v. Lamar Cty Bd of Ed - qualified immunity, search, invasion of privacy, outrage

Southern Coal v. Drummond Coal Sales - price escalation clauses, attorney fees, contract breach, concurrence

Florida Supreme Court - Tallahassee

Bell v. State - capital case, direct appeal

Pincus v. Am Traffic Sol - red light cameras, unjust enrichment

In re Fla R Juv P - amended rules

Booker v. State - capital case, postconviction relief

First District Court of Appeal - Tallahassee

Mastandrea v. Snow - defamation, actual malice

Bilus v. State - postconviction relief

Lowitz v. S Ala Brick - certiorari, mental health records

Baltodano v. Baltodano - appellate jurisdiction, nonfinal order, rehearing

Williams v. State - habeas corpus, pro se sanctions

Second District Court of Appeal - Lakeland

KT v. State - criminal restitution

DL v. DCF - parental rights, termination

Santos v. Bartoletta - dating violence injunction

Moret v. State - scrivener's error, sentencing

Third District Court of Appeal - Miami

RJ Reynolds v. Gloger - Engle progeny, jury selection, expert cross-exam

Allstate v. Bank of Am - service of process, waiver of challenge

Apollo v. BNP - proceedings supplementary, personal jurisdiction, *Ocean's Eleven*-like

RAV Bahamas v. Marlin Three - pure bill of discovery

Ortiz v. Ortiz - equitable distribution, alimony

VT v. Liberty Dental - Medicaid, fair hearing

Santiexposito v. State - postconviction relief

Handte v. Monroe Cnty - second-tier certiorari, land use, vacation rentals

Manetta v. State - postconviction relief

Penalver v. State - certiorari, Stand Your Ground

Tower Imaging v. State Farm - forum non conveniens, confession of error

Penrod v. Aleman - certiorari, trial court stay

Song v. State - prohibition, judicial disqualification

Fourth District Court of Appeal - West Palm Beach

Love v. State - grand theft, restitution

Sanders v. State - rehearing; sentencing

NYC Const v. Jerome - rule 1.540(b), excusable neglect

Schulte v. Bank of NY Mellon - service of process, waiver

Broward v. Manarite - sovereign immunity, rule 9.130

AR v. DCF - parental rights, termination

Fifth District Court of Appeal - Daytona Beach

Brevard Clerk v. Brevard Bd of Cnty Commrs - declaratory relief; tax revenues, ad valorem

Trident Asset Mgmt v. 2050 Condotel - foreclosure; safe harbor, § 718.116(1)(b)

Dalton v. State - probation violation, sentence

Graham v. Graham - dismissal, jurisdiction

Maleckar v. State - battery; *Anders*, cost

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

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