

# Florida Appeals Court Decisions: Week of May 17 - 21, 2021

May 21, 2021

## U.S. Eleventh Circuit Court of Appeals

*Tolar v. Bradley Arant* - retaliation

*US v. Garcon* - First Step Act

*US v. Jackson* - sentencing

*US v. Stevens* - appellate review, First Step Act

*US v. Castaneda* - child exploitation, pornography, sentencing

*US v. Potts* - sentencing

*Islam v. Secy Homeland Sec.* - immigration, terrorist organizations

*US v. Taylor* - sentencing

## Florida Supreme Court - Tallahassee

*In re Code Jud Cond* - amended rules, senior judges

*State v. Dortch* - involuntary plea, withdrawal, fundamental error

*Wall v. State* - CCRC, counsel waiver

*Adv Opin re Work from Home* - ethics, non-Fla attorney, Fla home

*In re J Howard* - judicial discipline

## First District Court of Appeal - Tallahassee

*Forsythe v. State* - sentencing, certified conflict

*Carter v. State* - pro se sanctions

*Longoria v. State* - pro se sanctions

*ABC v. Target* - alcohol, consumption on premises, admin challenge, standing

*DBPR v. Target* - alcohol, customarily sold, admin challenge, standing

*ABC v. DBPR* - alcohol, customarily sold, admin challenge, standing

*Point Conv v. Omkar Hotels* - subject matter jurisdiction, patents, certified conflict

*DOH v. Dorn* - certiorari, health care investigations, disclosure  
*Godbolt v. State* - molestation, evidence  
*Jackson v. DOR* - child support, preservation of error  
*Swarek v. Lindsay* - injunction, personal jurisdiction, service  
*Mathers v. AHCA* - Medicaid lien, challenge, timeliness  
*1701 Collins v. DOR* - documentary stamp tax, surcharge, overpayment  
*Farrell v. State* - pro se with counsel

## Second District Court of Appeal - Lakeland

*State Farm v. Wilson* - UM coverage, stacking, access to courts  
*Frederick v. State* - habeas corpus, bail conditions  
*McMahon v. State* - probation revocation

## Third District Court of Appeal - Miami

*Summerland Key Cove v. Murphy* - easement, usurp corporate opportunity  
*Dov v. Nirestates* - service of process, waiver  
*People's Trust v. Marzouka* - appraisal  
*People's Trust v. Espana* - election to repair endorsement  
*At Home Care v. Carhart* - unliquidated damages  
*Rubiella v. Cascade* - attorney's fees  
*Lacaile v. Lesur* - forum non conveniens  
*Soler v. Fed Nat'l Mtg* - foreclosure, nonparty  
*Klock v. Citibank* - motion to disqualify  
*FYES v. HGR* - motion to intervene  
*Kurland v. Hamilton Law* - certiorari, stay  
*Belyak v. Lake Holding* - certiorari, jurisdiction

## Fourth District Court of Appeal - West Palm Beach

*School Bd of Broward Cty v. McCall* - sovereign immunity  
*Rabadan v. Rabadan* - alimony  
*Gulfstream Park Racing v. Volin* - certified question; medical bills, Medicare satisfaction  
*Vainberg v. Avatar Prop Ins- Drew* contract instruction; unpled defense  
*Freeborn v. Freeborn*- dissolution, alimony, imputed income, fees  
*Cano v. Guardianship of Cano* - default judgment, amended petition  
*Blue Star v. First Protective Ins* - summary judgment, payment dispute  
*Joseph v. Leisure Days* - eviction; appellate jurisdiction, finality

[Alliance Spine v. GEICO](#) - PIP benefits, amendment to complaint

[Sunrise Chiropractic v. Security Nat Ins](#) - PIP benefits, Medicare payment files, two percent reduction

[Galman v. Signature Home Theaters](#) - lack of transcript

# Fifth District Court of Appeal - Daytona Beach

[Gabriel v. State](#) - remand, sentence

[Osceola Cty BOCC v. Sand Lake Surgery Ctr](#) - discovery, medical bills, discounts

[Ramirez v. State](#) - postconviction relief; ineffective assistance, trial

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

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