

Florida Appeals Court Decisions: Week of April 8 - 12, 2019

April 13, 2019

U.S. Eleventh Circuit Court of Appeals

US v. Vereen - firearm possession, sentencing

Burban v. City of Neptune Beach - § 1983, LEOSA

Price v. Ala DOC - stay of execution

Oak Grove Resources v. US DOL - BLBA, agency

Florida Supreme Court - Tallahassee

In re R Reg Fla Bar - corrected opinion, bar rules

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

In re Judge Bailey - judicial discipline

First District Court of Appeal - Tallahassee

State v. Smith - postconviction relief

Gaymon v. State - sentencing

Bowen v. Volz - equitable distribution, closely held business

McFadden v. State - postconviction relief

Falk v. Harris - workers' compensation

JB v. DCF - certiorari, dependency, due process

De La Rosa v. Cheney Bros - workers' compensation

Powell v. State - fundamental error, hearsay

Young v. State - *Miranda*

Weddington v. State - judicial comments, fundamental error

Nazzal v. DOC - employment, whistle-blower

Morris v. Winbar - easements, types; law of the case

Second District Court of Appeal - Lakeland

Sams v. State - jury instructions, fundamental error, exceptions

Rivera v. State - Stand Your Ground, certified conflict

Livingstone v. State - probation revocation

Dood v. Dood - missing transcript; attorney's fees, findings

Moore v. Holton - income deduction order

Diamond v. Elvis Towing - certiorari, venue transfer, class certification

State v. Bethley - certiorari, DNA statistical evidence

Tate v. McNeil - rule 1.420, lack of prosecution

Austin Comm'l v. MCC - arbitration

Wright v. State - double jeopardy

Byra v. State - probation revocation

Third District Court of Appeal - Miami

Baker v. State - double jeopardy

RJ Reynolds v. Ledo - Engle progeny, closing argument, punitive damages

Mitchell v. State - right to cross-examine

Hussey v. Lara - sexual violence injunction, need for counsel

Broz v. Reece - negligence, limitations statute

Winn-Dixie v. Winters - new trial motion, successor judge

Benitez v. Leal - charging lien

State v. Socarras - *Miranda*

Keys Country v. 1733 Overseas Hwy - mortgage, reformation

Carrillo v. IndyMac - summary affirmance

Bank of Am v. Atkin - bar referral, improper arguments

Jimenez v. Granada Ins - certiorari, third-party subpoena for claim file

Olin v. Wilmington Sav - untimely appeal

YV v. DCF - certiorari, child custody

Fourth District Court of Appeal - West Palm Beach

AVP Destiny v. FD Destiny - prejudgment interest; civil theft

Machin v. State - en banc; competency hearing

Florida Peninsula Ins v. Deporter - proposal for settlement; interlocutory appeal

Gallo v. State - sentencing; deterrence

Scire v. Hochman - paternity; attorney's fees; calculation

Boggess v. State - prior consistent statements; closing argument, burden-shifting

Weiner v. Maulden - proposal for settlement; consolidation

Platt v. State - sentencing

Lilly v. Bank of Am - service of process

Whitley v. State - pre-trial house arrest; costs

Cohen v. Scarnato - venue, transfer; trust dispute

Fifth District Court of Appeal - Daytona Beach

Berben v. State - sentencing

State v. Grammig - statute of limitations

Redmond v. First Guaranty Mort Corp - relief from judgment

Vitelli v. Hagger - statutory way of necessity

Royal Palms Senior Apts v. Constr Entrs - arbitration

State v. Schuler - downward departure

Smith v. State - jail credit

Rish v. State - sentencing

Related Practices

[Appellate & Trial Support](#)

©2026 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.