

# Florida Appeals Court Decisions: Week of July 27 - 31, 2020

August 01, 2020

## U.S. Eleventh Circuit Court of Appeals

*USA v. Melgen* - fraud, materiality instruction; evidence, summaries

*AEGIS Elec v. ECI Mgmt* - insurance, covered loss, attorney's fees

*Clemons v. Ala DOC* - postconviction relief

*Patel v. Hamilton Med Cntr* - declaratory judgment, immunity, subject matter jurisdiction

*USA v. Smith* - evidence, witness identification, video; Hobbs Act, evidence, instructions

*Gogel v. KIA Motors* - employment, Title VII, retaliation, en banc

*Lavigne v. Addy* - Herbalife class action, arbitration, venue

*Goode v. Soc Sec Comm'r* - Social Security benefits

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Charley v. State* - search and seizure

*Carrell v. State* - habeas corpus

*Lang v. DOH* - physician license, administrative review

*Wilson v. State* - sentencing

*Lohstreter v. DOH* - physician license, administrative review

## Second District Court of Appeal - Lakeland

*Whitham v. State* - Stand Your Ground

*Bolliger v. Fries* - marital dissolution, fees

*Baker v. State* - postconviction relief

*Marenco v. Marenco* - child support

*Ballard v. Bank of Am* - foreclosure, sanctions, *Kozel*

*Welch v. State* - probation revocation

*Patterson v. State* - postconviction relief

## Third District Court of Appeal - Miami

*JJ v. State* - search and seizure, constructive possession, en banc

*Neighb'hood Planning v. DOT* - eminent domain, damages

*Ward v. State* - violation of pretrial ruling, evidence

*Luckman v. Wills* - wrongful death, duty of care, expert opinion

*Brown v. State* - probation violation; appellate jurisdiction

*Wilson v. State* - postconviction relief, procedural confusion, fashioned relief

*Gore v. Smith* - child support, expert costs

*Ferguson v. State* - postconviction relief

*Palace Resorts v. Flynn* - forum non conveniens

*Lavance v. State* - appellate jurisdiction

## Fourth District Court of Appeal - West Palm Beach

*RJ Reynolds v. State* - contractual liability

*Evans v. State* - due process; VFOSC

*Roberts v. Third Palm* - real estate agent, compensation

*Pittman v. State* - competency

*Patchen v. Quadomain Condo Assn* - injunction; bond

*Harkness v. Harness* - durational alimony

*Kelly v. Green Tree Servicing* - lien priority

*B&L Service v. Broward County* - attorney's fees; public records

*Ponomarenko v. Esenova* - dissolution, disqualification

*Gonzalez v. Funes* - protection injunction

*Randolph v. State* - probation violation, written findings

*Ark Real Estate v. 21st Mort Corp* - foreclosure, surviving lien

## Fifth District Court of Appeal - Daytona Beach

*Gomez-Arroyo v. State* - *Anders*, scrivener's error

*Volusia County v. Bank of NY* - foreclosure, equitable subrogee

*Bradley v. State* - competency, independent determination

*Johns v. State* - postconviction relief

*Annicchiarico v. State* - postconviction relief

*Font v. State* - probation violation, written order

*Quinby v. State* - *Anders*, costs

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