

# Florida Appeals Court Decisions: Week of November 12 - 16, 2018

November 17, 2018

## U.S. Eleventh Circuit Court of Appeals

*US v. St. Hubert* - crimes of violence, Hobbs Act

## Florida Supreme Court - Tallahassee

*Harvey v. State* - capital case, postconviction relief

*Mungin v. State* - capital case, postconviction relief

*Reed v. State* - capital case, postconviction relief

*IAF v. State* - dismissed, improvidently granted

*Herssein & Herssein v. USAA* - judicial disqualification, Facebook friends

*In re J White-Labora* - judicial discipline

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

## First District Court of Appeal - Tallahassee

*DOH v. Shands* - trauma centers, need, rulemaking

*Buck v. Jones* - prisoner grievance

*Convergent Tech v. Stone* - non-solicitation agreement

*Am Heritage Life v. Smith* - certiorari, punitive damages amendment

*Torrens v. Shaw* - election, qualification, private right of action

## Second District Court of Appeal - Lakeland

*Darwin v. State* - sentencing

*Aguilar v. State* - search and seizure

*Purdue v. RJ Reynolds* - rule 1.540, notice, lack of prosecution

*Baden v. Baden* - prohibition, voluntary dismissal, trusts

*Diamond v. Gallin* - vacating default

*Citizens v. Salkey* - insurance, concurrent cause, excluded peril

*Sorensen v. Bank of NY* - foreclosure, amending pleadings

*Home Title v. LaSalla* - LLCs, standing to sue, direct injury

*FL-7 v. SWF* - real estate broker, commissions

## Third District Court of Appeal - Miami

*Miami v. Puerto Peralta* - appellate jurisdiction, sovereign immunity

*Silva v. State* - self-defense instructions

*US Bank v. Raheb* - adopting proposed order; foreclosure, prior dismissal

*Peoples v. State* - habeas corpus

*Cuenca v. State Bd of Admin* - retirement benefits

## Fourth District Court of Appeal - West Palm Beach

*Pierre v. State* - sentencing

*Nationstar Mortg v. Cullin* - foreclosure; appellate record

*Joseph v. State* - Miranda; right to counsel

*Ramsay v. State* - competency hearing

*Nuttle v. Nuttle* -- alimony

*Olsen v. Olsen* - temporary injunction; unsworn statements

*Richard v. Bank of Am* - rule 1.540; due process; summary judgment

*Palm Beach Gardens v. Oxenvad* - annexation; certiorari; jurisdiction

## Fifth District Court of Appeal - Daytona Beach

*Baker v. State* - remand, juvenile sentencing

*Berger v. State* - en banc; attempted sexual battery, minor

*Griffin v. Putnam County Sheriff* - Whistle-blower's Act

*Kohl v. Rammacca* - dissolution, setoff

*Clark v. State* - scrivener's error

*In re Adoption of JMB* - stepparent adoption, consent

*Minix v. State* - postconviction relief

*Jones v. State* - community control

*Smail v. State* - sentence

*PR v. DCF* - parental rights, termination

*Duncan v. State* - rule 1.540(b), opportunity to amend

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