

# Florida Appeals Court Decisions: Week of August 5 - 9, 2019

August 10, 2019

## U.S. Eleventh Circuit Court of Appeals

*Yarbrough v. Decatur Housing Auth* - §1983, Housing Act

*Ali v. US* - immigration

*Luxottica Group v. Airport Mini Mall* - Lanham Act

*Dear v. Q Club Hotel* - condo declaration

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Burnsed v. FCOR* - internet access, conditional release, *Packingham*

*Livingston v. State* - ineffective assistance, uncalled witness, certified question

*Conner v. Moran* - small claims court; mandamus, trial setting

*DOC v. Miami Herald* - prison video recordings, media access

*Maxwell v. Inch* - habeas corpus

*Cannie v. State* - jurisdiction pending 3.800 appeal

*Baity v. State* - excited utterance

*DePinto v. Hoffman* - vexatious litigant

*JJ v. DACS* - license revocation

*Pembelton v. State* - postconviction relief

*Ferrera-Discua v. State* - prohibition, Stand Your Ground

## Second District Court of Appeal - Lakeland

*Allen v. Juul* - marital dissolution, fees, findings, certified conflict

*Summers v. State* - fines, identifying authority

*Beck v. Howard* - parental custody

*DiStefano v. Long* - dating violence injunction

*Abdo v. Abdo* - constructive trusts, jurisdiction; shareholder derivative claim

## Third District Court of Appeal - Miami

*Safepoint Ins v. Brown* - rule 1.442, settlement proposal

*Chavez v. Tower Hill* - res judicata, insurance claim

*George v. DOC* - restitution lien

*Trust RE Ventures v. Desnick* - summary judgment, discovery pending

*Young Land v. Credo* - real property, quiet title, extinguishment

*Greene v. Johnson* - arbitration

*McCray v. State* - postconviction relief

*Rinconcito Latino Cafe v. Ocampos* - rule 1.540, evidentiary hearing

*State Farm v. Caribbean Rehab* - second-tier certiorari, circuit court appellate fees

*Baptiste v. State* - postconviction relief

*Gallo v. State Farm* - second-tier certiorari, PIP benefits, unlawfulness defense

## Fourth District Court of Appeal - West Palm Beach

*Puzio v. State* - sentencing

*Garcia v. State* - sentencing

*Price v. State* - search and seizure; sentencing

*Universal Property & Casualty Ins v. Loftus* - Condominium Act; negligence; tenants

*People's Trust Ins v. Nowroozpour* - counterclaim; injunction; dismissal

*Progressive Express Ins v. Belidor* - venue

*State v. Kigar* - general intent crime; advice of counsel defense

## Fifth District Court of Appeal - Daytona Beach

*Ray v. State* - postconviction relief

*Rios v. State* - *Miranda*

*R & W Rental Props v. Warnick* - mistrial, isolated comment

*Cruz v. Community Bank* - breach of trust, standing

*Monts v. State* - cross-examination, scope

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