

# Florida Appeals Court Decisions: Week of November 30 - December 4, 2020

December 05, 2020

## U.S. Eleventh Circuit Court of Appeals

*Lucoff v. Navient Solutions* - TCPA, express consent for calls

*USA v. Green* - RICO, search and seizure, peremptory, evidence, sentencing

*USA v. Bobal* - criminal, motion for new trial, restriction on computer use

*Alfaro-Garcia v. USA* - immigration, removal

*M&C v. Oppenheim* - class action, fiduciary duties, damages

*USA v. Johnson* - domestic-violence misdemeanor, firearm possession

*USA v. Campbell* - order granting rehearing en banc, vacating *this* decision

*Nance v. Ga DOC* - postconviction relief

*USA v. Watkins* - search and seizure, inevitable discovery

*Keohane v. Fla DOC* - order denying rehearing en banc

*R&R v. Banco Do Brasil* - Foreign Sovereign Immunities Act

*Erickson v. First Advantage* - FCRA, evidence

## Florida Supreme Court - Tallahassee

*Hojan v. State* - capital case, direct appeal

*In re Fla R App P* - amended rules

*In re Add'l Judges* - additional judges

*In re Fla R App P* - amended rules

## First District Court of Appeal - Tallahassee

*TH v. DCF* - dependency

*Ford v. State* - circumstantial evidence, murder; “and/or” instruction

*DOT v. Tropical Trailer Leasing* - injunction, highway tolls; class allegations, striking  
*Lutz v. Panetta* - restrictive covenants  
*FWC v. King* - employment, USERRA, sovereign immunity  
*Falduto v. Lewis* - rule 1.420, voluntary dismissal  
*Palazzi v. State* - certiorari, immunity  
*Williams v. State* - pro se sanctions  
*Jordan v. State* - postconviction relief  
*Williams v. State* - murder, evidence; motion for election  
*Fitzsimmons v. State* - child hearsay, sexual battery  
*Wainwright v. State* - pro se petitions, represented party  
*Brown v. State* - untimely appeal

## Second District Court of Appeal - Lakeland

*Alvarado-Contreras v. State* - impeachment, bias  
*Forman v. State* - sentencing  
*Timke v. State* - probation revocation  
*Thomas v. Thomas* - unpaid rent, findings  
*York v. State* - sentencing  
*Crowder v. State* - public defender fee, unpreserved error  
*Ludwigsen v. Ludwigsen* - certiorari, psychological exam

## Third District Court of Appeal - Miami

*Belson v. Miller* - rule 1.150, sham pleadings  
*Sablotsky v. Gonzalez-Hernandez* - prevailing party fees  
*Energy Smart v. Millennium CA* - failure to prosecute, sham pleading  
*Galleon Bay v. Monroe Cnty* - inverse condemnation  
*Kachkar v. US Bank* - foreclosure sale, resetting, intervention  
*BJ's v. Bugliaro* - arbitration, trial court jurisdiction pending appeal  
*Wahnon v. Coral & Stones* - certiorari, civil contempt  
*Aquino v. State* - postconviction relief  
*Williamson v. Prime Sports Mktg* - personal jurisdiction, Zion  
*GR v. APD* - disabilities, Medicare waiver program  
*Delgado v. Miller* - certiorari, free speech, parenting  
*Rodriguez v. Falcones* - default judgment, rule 1.540, findings  
*Evans v. State* - postconviction relief  
*Shir Law Grp v. Carnevale* - prohibition, judicial disqualification  
*Tuoza v. Citizens* - appellate jurisdiction  
*Owens v. State* - prohibition, motion to dismiss information  
*Clarrington v. State* - prohibition, remote hearing, Covid-19

*Britt v. Inch* - habeas corpus

*VME Grp v. Grand CA* - prohibition, judicial disqualification

## Fourth District Court of Appeal - West Palm Beach

*Shivers v. State* - sentencing

*Escobar v. State* - counsel fees

*Lubitz v. Schenden* - charging lien

*State v. Stevenson* - felony THC possession

*CSC Serviceworks v. Boca Bayou Condo Assn* - wrongful eviction, res judicata

*McKenzie v. State* - probation revocation

*Williams v. State* - postconviction relief

*Caballero v. State* - habeas corpus, DNA evidence

*Rodriguez v. State* - subpoena, medical records

## Fifth District Court of Appeal - Daytona Beach

*Francis v. State* - attempted manslaughter, officer; warrantless entry, instruction

*Howitt v. State* - leaving scene, accident; sobriety test refusal, DUI

*Botto v. State* - postconviction relief, ineffective assistance

*Jones v. Najera* - stalking injunction

*Torruella v. Nationstar Mortgage* - attorney's fees, lack of personal jurisdiction

*Hughley v. State* - drug trafficking, preservation

*Baxley Manor v. Brevard Housing Auth* - injunction, zoning; judgment on pleadings

*Thompson v. Johnson* - summary judgment; life insurance, subjective intent

*Shawl v. State* - drug possession, constructive possession

*Kemp v. State* - postconviction relief

*US Bank v. Forsyth* - foreclosure complaint, verification, Rule 1.115(e)

*Hawkins v. State* - *Spencer* warning, pro se

*Zalloum v. Bank of NY* - foreclosure, confession of error

*Velez v. LaFontaine* - prohibition, objective standard, legal rulings

## Related Practices

Appellate & Trial Support

©2025 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.