

# Florida Appeals Court Decisions: Week of March 22 - 26, 2021

March 26, 2021

## U.S. Eleventh Circuit Court of Appeals

*Deal v. Tugalo Gas Co* - abstention, corporate law

*Tonkyro v. Sec'y Dept of Veterans Affairs* - hostile work environment

*USA v. Pendergrass* - jury selection, harmless error, sufficiency of evidence

*Turner v. Sec'y Dept of Corr* - 2254, timeliness

*SuVicMon Dev v. Morrison* - bankruptcy, fraudulent transfer

*Morris v. Sec'y Fla Dept of Corr* - AEDPA, timeliness

*McKiver v. Sec'y Fla Dept of Corr* - habeas, ineffective counsel

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Cabrera v. AHCA* - Medicaid, reimbursement, third-party benefits

*AM v. DS* - parental rights, termination, guardianship

*Perry v. State* - aggravated battery, sentencing

*Spivey v. State* - belated appeal

*Pierce v. State* - vehicular homicide, sentencing, certified conflict & question

*Carter v. State* - search and seizure

*Garbark v. Gayle* - defamation, summary judgment, unauthenticated document

*Speigner v. Speigner* - alimony

## Second District Court of Appeal - Lakeland

*Marron v. State* - sentencing

*Sec Nat'l Ins v. Gonzalez* - insurer nonjoinder, coverage rejection  
*Savannah Cap v. Pitisci Dowell* - deposition protective order, derivative action, malpractice  
*SHY v. PG* - psychotherapist privilege, waiver  
*Natali v. Natali* - timesharing plan  
*Heritage P&C Ins v. Superior Ins* - appraisal, waiver  
*Pezeshkan v. Manhattan Constr* - arbitration  
*Jackman v. Cebrink* - privacy invasion, seclusion, neighbors, certified question  
*Gordon v. State* - involuntary confinement, limited hearing  
*Marshall v. State* - sentencing  
*Queen v. State* - hearsay, photographs, hash values  
*In re Doe* - abortion, judicial waiver

## Third District Court of Appeal - Miami

*State v. Hester* - ineffective assistance  
*State v. Lowery* - speedy trial, hurricane  
*Hialeah Hosp v. Hayes-Boursiquot* - jury selection, improper expert testimony  
*Alvarez-Hernandez - v. State* - sentencing  
*Univ P&C v. Celestrin* - attorney's fees, lodestar, reduction  
*Carollo v. Platinum Adv* - legislative immunity, rule 9.130(a)(3)(F)(iii)  
*Grape Leaf v. Lafontant* - fiduciary breach, personal representative, litigation financing  
*Fam Heritage v. Combined Ins* - employment, restrictive covenant, injunction  
*Anchor P&C v. Tesini* - certiorari, discovery  
*Onward Living v. Mormeneo* - certiorari, discovery, incident reports

## Fourth District Court of Appeal - West Palm Beach

*Mezadiou v. Safepoint Ins* - insurance, reliance  
*Zelaya v. State* - ineffective assistance  
*Roberts v. State* - *Richardson* hearing  
*Endurance Assur v. Hodges* - insurance, coverage amount  
*Jones v. Sayer* - venue  
*Ern v. Springer* - certiorari, mental health records  
*Zelaya v. State* - ineffective assistance  
*Thomas v. State* - sentencing  
*Reynolds v. State* - sentencing, involuntary absence  
*Dorsey v. State* - mandatory life sentence  
*Archer v. Tower Hill* - insurance, issue of fact  
*Broward v. Fla Carry* - preemption, Uniform Firearm Act

*Johnson v. Johnson* - dissolution, child support

*Fallang v Privcap* - arbitrability, conflict

# Fifth District Court of Appeal - Daytona Beach

*Cook v. Bank of America* - foreclosure, notice of default

*US Bank v. Devoe* - foreclosure, standing

*Washington v. State* - postconviction relief, evidentiary hearing

*Broy v. State* - burglary, sentence

*Kemp Invstmts v. Englert* - disqualification of counsel

*Hunter v. State* - postconviction relief

*Jackson v. State* - *Spencer* bar, pro se

*Howard v. State* - *Spencer* bar, pro se

## Related Practices

[Appellate & Trial Support](#)

©2024 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.