

# Florida Appeals Court Decisions: Week of March 13 - 17, 2023

March 17, 2023

## U.S. Eleventh Circuit Court of Appeals

*Ilias v. USAA Gen Indem* - insurance, Florida, bad faith

*USA v. Clowers (aka Boo Boo, DOG)* - First Step Act, sentencing

*Harris-Billups v. Anderson* - Fourth Amendment, excessive force, video

*PDVSA US Litig Trust v. Lukoil Pan Am* - political questions

*Drazen v. Pinto* - en banc, vacating *this* decision, class actions, standing

*USA v. Downs* - child pornography, commerce, evidence, dismissing unsworn jury

## Florida Supreme Court - Tallahassee

*In re R Reg Fla Bar* - significant bar rules amendments

*Green v. Dixon* - pro se sanctions

*In re Fla R App P* - amended rules

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*Sanchez-Torres v. State* - capital case, postconviction relief

## First District Court of Appeal - Tallahassee

*TD v. DCF* - parental rights, dismissal, failure to prosecute

*Anderson v. State* - belated appeal

## Second District Court of Appeal - St. Petersburg

*Jolly v. State* - sentencing

*SS v. Sarasota Sch Bd* - sexual abuse, limitations, government defendant

*Hogg v. Village of Bloomingdale HA* - declaration, reformation, limitations period

*Upshur v. State* - ineffective assistance, appellate counsel, sentencing

## Third District Court of Appeal - Miami

*Mazda v. Triche* - personal jurisdiction, minimum contacts

*First Baptist Miami v. Miami Baptist* - dismissal, sanction

*Full Pro Restoration v. Citizens* - summary judgment procedure

*State v. Quevaedo* - Stand Your Ground

*Rankin v. Lounsbury* - paternity, parenting plan

*Aguilar v. State* - postconviction relief

*Hawks Nest Condo v. Westchester* - insurance, prejudgment interest

*Willis v. Accenture* - FCRA, right-to-sue notice

*Total Care Restoration v. Citizens* - insurance, assignment of benefits

*Oliva v. Oliva* - procedural due process, child support

*Parisi v. Quadri de Kingston* - power of attorney

*S and A v. Garcia* - property assessment, ownership change, lost cap

*Vega v. Citizens* - summary judgment, contract interpretation

## Fourth District Court of Appeal - West Palm Beach

*Stirberg v. Fein* - rule 1.540, fraud, trust reformation, homestead

*Peart v. State* - "Principals" instruction, preservation, fundamental error

*DiMauro v. Martin* - specific performance, mutuality of remedies

*Fed Nat Mortg v. Trinidad* - foreclosure, collateral estoppel

*Jones v. Vasilias* - negligent employment, vicarious liability

*Sage v. Pahlavi* - real estate contract, nondisclosure, due diligence

*Zagarella v. State* - self-representation, standby counsel, battery

*Destiny Fulfilled v. Inv SWK* - attorney's fees, commercial tenancy

*Moritz v. Stonecipher* - paternity, custodial rights

*Destiny Fulfilled v. Inv SWK* - eviction trial, stay, waiver

*Cohen v. State* - postconviction relief

*Feast v. State* - postconviction relief

## Fifth District Court of Appeal - Daytona Beach

*Welch v. CHLN* - summary judgment, constructive knowledge

*Mills v. State* - special concurrence; ineffective assistance, trial

*Miller v. Schramer* - confession of error, default

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

*Pierre v. State* - special concurrence; post-conviction, DNA testing

# Sixth District Court of Appeal - Lakeland

*Vickers v. Malpeli* - pleading of attorney's fees

*Danforth v. Danforth* - untimeliness of appeal

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