

Florida Appeals Court Decisions: Week of July 8-12, 2024

July 12, 2024

U.S. Eleventh Circuit Court of Appeals *Johnson v.*

Atlanta - § 1983, arrest, motion to dismiss, video incorporated by reference

USA v. Buselli - murder for hire, false statements, jury instructions

Wade v. Ga Correct'l Health - en banc, 8th Amendment deliberate indifference standard

Rose v. Ga Sec'y of State - en banc denial, Ga PSC elections

New Ga Project v. Ga Att'y Gen - campaign finance challenge, abstention

USA v. Hernandez - sentencing, First Step Act

Florida Supreme Court - Tallahassee

Fla Bar v. Mirabal - attorney discipline

Cox v. State - capital case, direct appeal

Johnson v. State - capital case, direct appeal

In re Fla R Civ P - new form, quiet title complaint

In re Fla R App P - amended rules

First District Court of Appeal - Tallahassee

Awolowo v. State - competency, psych evaluation, certified question

Farris v. State - sentencing

N Shore Med Ctr v. Navarro - med mal arbitration, stricken experts

Kowalski v. Brown - civil contempt, preservation of error

Smith v. State - Anders appeal

Thomason v. State - postconviction relief

Talkington v. State - Anders appeal

DC v. In re Adoption of NLW - parental rights, termination

DW v. DCF - parental rights, termination

Second District Court of Appeal - St. Petersburg

Johnston v. Johnston - equitable distribution

Page v. US Dept of Treasury - foreclosure, attorney's fees

Franklin v. State - criminal restitution, causal connection

Lopez v. State - criminal restitution, double jeopardy

Third District Court of Appeal - Miami

Fernandez v. State - ineffective assistance, evidence

Araujo v. Dantzler Lumber & Export - foreign judgment, enforcement

Martinez v. Selene Fin - authenticity of signature, presumption

Llaurado v. DBPR - construction contracting without license, informal hearing

Gelish v. State - involuntary civil commitment, probable cause for release, limited hearing

Jules v. State - postconviction relief

Concierge Auctions v. Coldwell Banker - timeliness of appeal, arbitration, waiver

Simmons v. State - probation violation, privilege against self-incrimination

S Mia Pharma v. OptumRx - arbitration, choice-of-law clause

Snappers Key Largo v. Certain Underwriters - bad faith claim, appraisal award

Cap Building v. Fortune Ocean - res judicata, privity

Valdes v. City of Marathon - second-tier certiorari, conditional use variance

Belizaire v. State - postconviction relief

HeartPoint Global v. Dragon Blue - production of corporate records, evidentiary hearing, waiver

Bonczyk v. Wolfe - leave to amend, counterclaim, punitive damages

Schaeffer v. Anita Medic - certiorari, disclosure of financial records

Thomas v. State - postconviction relief

Yeyille v. Fla Bar - prohibition, disqualification of judge

Fourth District Court of Appeal - West Palm Beach

Surit-Garcias v. State - opening statement; victim injury categories, constitutionality

Euro Nut Auto v. Williams - replevin

Mendez v. Mendez - parenting plan, default, lack of notice, due process

Distressed Invest v. US Bank - foreclosure, post-judgment expenses, reimbursement

Fifth District Court of Appeal - Daytona Beach

Martinez v. Martinez - dissolution, alimony, child support, attorney's fees

Poky Mgmt v. Solutrean Invstmt Grp - commercial eviction, attorney's fees

Piechota v. State - domestic violence injunction, violation, investigative costs

Hershberger v. Hershberger - dissolution, timesharing, judicial delegation

Gragg-Rivera v. Gragg - dissolution, paternity, child support

Kavanaugh v. Thomas - personal representative, appointment, surviving spouse

C & F Berry Farms v. Chandler - enforce settlement, property easement

Davis v. Davis - dissolution, settlement, contempt, college tuition payments

Akers v. State - Anders appeal, scrivener's error

Catledge v. State - Anders appeal, scrivener's error

Duval Cnty Public Schools v. Jackson - summary judgment, sovereign immunity

Williams v. State - cost of prosecution **Sixth District Court of Appeal - Lakeland**

Lightsey Cattle v. FWCC - administrative appeal, jurisdiction

Langdon v. Sun Lake Multi Fam - appellate jurisdiction, timeliness

Naples v. Wolff - nonbinding arbitration, trial de novo

Captain D's v. Unified Brands - workers compensation lien

Yue v. Safe Harbor Title - summary disposition

Pear v. 898 Fifth Ave S - summary disposition

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