

# Florida Appeals Court Decisions: Week of August 19-23, 2024

August 23, 2024

U.S. Eleventh Circuit Court of Appeals *Ritchie v. USA* -  
postconviction relief

*Taxinet v. Leon* - hearsay, speculative damages Florida Supreme Court  
- Tallahassee

*Cole v. State* - capital case, postconviction relief First District Court of  
Appeal - Tallahassee

*Caranna v. Glass* - exhaustion, administrative remedies

*McBride v. State* - sexual battery, evidence

*Lewis v. State* - sentencing, appellate jurisdiction

*Evans v. State* - plea colloquy

*Colby v. Zicarelli* - landlord-tenant, court registry payments, default

*Harvill v. State* - double jeopardy

*Clay v. Clay* - appellate jurisdiction

*Lyons v. State* - appellate jurisdiction

*Lavinder v. Bryson* - post-dissolution, accounting, contempt, alimony

*Day v. Stewart* - belated appeal, civil case

*Dupree v. State* - belated appeal, ineffective assistance Second District  
Court of Appeal - St. Petersburg

*Marlow v. Shellpoint Mort Serv* - foreclosure, rule 1.540, timeliness

*Campbell v. Jara* - child support, timesharing

*Progressive Select v. Hilchey* - insurance, confession of judgment, mootness, jurisdiction

*GEICO v. Shazam* - insurance, windshield litigation

*Fernandez v. Kivimaki* - post-dissolution, alimony, fees

*EC v. DCF* - attorney sanctions

*Hillsborough v. Sch Bd of Hillsborough* - elections, mandamus Third District  
Court of Appeal - Miami

[Rubio v. State](#) - testimony, hearsay

[Martinez v. State](#) - hot pursuit, testimony, fundamental error

[Lezcano v. State](#) - photographic evidence, admission

[Gershenbaum v. Wind CA](#) - negligence, standing

[Indoor Env't Restoration v. Citizens](#) - dismissal, assignment of benefits

[Kain v. State](#) - right to jury trial, six-member jury

[Hall v. Myara](#) - estoppel, criminal action

[Poinciana W 1A CA v. Aspen Specialty](#) - appraisal demand, ripeness

[Spradley v. Edgecomb](#) - due process, restricted library access

[Mitchell v. State](#) - ineffective assistance

[Rodriguez v. Rodriguez](#) - default, parental responsibility, child support

[Chavez v. DOR](#) - child support, evidence, hearing

[GMX v. MDX](#) - certiorari, discovery

[Sutton v. Wilmington Tr](#) - certiorari, foreclosure, authorized motion

[Benjamin v. 450 N River Dr](#) - appellate jurisdiction, personal jurisdiction determination

[Universal v. Betancourt](#) - prohibition, disqualification of judge

[Yeyille v. Fla Bar](#) - summary affirmance

## Fourth District Court of Appeal - West Palm Beach

[Univ Prop v. Cortez](#) - insurance, summary judgment, standing

[Schroer v. Crumdale](#) - contract, summary judgment, novation

[7635 Mandarin Dr v. Lloyd's](#) - insurance, appraisal, attorney's fees

[Rock v. State](#) - § 790.23, felon, "possession" of firearm, sentencing

## Fifth District Court of Appeal - Daytona Beach

[Crittenden v. Tumlin](#) - expert witness, surveyor, harmless error

[Brock v. State](#) - probation revocation

[Passafume v. Shifa Healthcare](#) - insufficient service of process, waiver

[Grapski v. City of Altamonte](#) - dismissal, appellate jurisdiction

[Elvy v. State](#) - cost of prosecution

[Alston v. State](#) - probation revocation, sentence

[Turner v. Shah](#) - certiorari, preservation

## Sixth District Court of Appeal - Lakeland

[Julia v. Ramos-Baez](#) - attorneys' fees, preservation

[CC v. Dept of Rev](#) - establishment of paternity

[State v. Crume](#) - suppression of evidence

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