

# Florida Appeals Court Decisions: Week of December 2-6, 2024

December 06, 2024

## U.S. Eleventh Circuit Court of Appeals *USA v.*

*Simmons* - playing video in closings

*Nehme v. Fla Int'l Univ Bd of Trustees* - ADA, medical school

*USA v. Graham* - RICO saga, search and seizure, jury selection, evidence, more **Florida**

## Supreme Court - Tallahassee

*In re Fla R Civ P* - important rules amendments effective 1/1/25

*In re Fla R Civ P* - amended summary judgment rule, new conferral rule

*Randolph v. State* - capital case, postconviction relief **First District Court of**

## Appeal - Tallahassee

*Gianino v. State* - collateral crime evidence

*MLK v. DCF* - § 92.55(2), protecting victims and witnesses

*Harris v. State* - evidence, photos, texts

*Oracle Am v. DOR* - excess sales taxes and local surtaxes

*Baxter v. Baxter* - marriage, bigamy, estoppel

*Jones v. State* - scrivener's error

*Gigsby v. Grigsby* - child relocation

*Williams v. Dixon* - appellate jurisdiction, granting motion to dismiss **Second  
District Court of Appeal - St. Petersburg**

*Evanston Ins v. Glasbrenner* - settlement, challenge by non-party, binding effect

*Walker v. Bankers Life* - long term care insurance, coverage

*KMG v. Heart of Adoptions* - certiorari, order staying dependency proceedings

*Hillsborough v. Dibbs* - second-tier certiorari, rezoning application **Third District**

## Court of Appeal - Miami

*Diaz v. Alvarez* - evidence, prior claim, hearsay, closing

*Greason v. Rolling Green Condo* - insufficient record

*Allstate v. Abramson* - statutory interpretation, PIP, limitation of reimbursement

*Citizens v. Arias* - exclusions, admissibility of expert testimony  
*Marin v. State* - replacement of juror, excited utterance, jury instructions  
*Fernandez v. Old Republic* - duty to defend, exclusions  
*Jilla v. Lucas-Jilla* - insufficient record  
*Mt. Hawley v. Schmid Constr* - appellate jurisdiction, unresolved count  
*Tufenkjian v. State* - verdict, evidence  
*Lima v. Gargano* - summary judgment, no findings  
*Pulles v. Onorato* - specific performance, late jury trial demand  
*Hussing v. Zuckerman* - insufficient record  
*Dorvil v. Atwell* - custody, home state, evidentiary hearing  
*Schofield v. Monroe Cnty* - code enforcement lien, due process, laches  
*Vill of Palmetto Bay v. Miami-Dade Cnty* - construction project, procedural requirements  
*Pickett v. State* - postconviction relief  
*Keystone Towers CA v. Rahimi* - insufficient record  
*Cora v. DBPR* - contractor's license, probation, no evidentiary hearing  
*Jordan v. State* - ineffective assistance, venue  
*Barcelo v. Little Paket* - punitive damages, leave to amend, evidence  
*Gutierrez v. Gutierrez* - order to show cause, pro se filings

## *Baptist Hosp of Mia v. Llauro* - certiorari, exclusion of evidence

# Fourth District Court of Appeal - West Palm Beach

*Williams v. State* - habitual offender  
*Dimitrion v. State* - sentencing, costs  
*Music v. State* - Williams rule  
*Cruz v. Garcia* - Hague petition, minor child  
*Pompano Beach v. Coral Rock Dev* - sovereign immunity, Fair Housing Act

# Fifth District Court of Appeal - Daytona Beach

*GEICO v. Tsao* - new trial; uninsured, underinsured tortfeasor  
*Thomas-Jones v. Jones* - relocation, minor children, attorney's fees  
*Corral v. State* - probation revocation  
*Ruffin v. State* - Anders appeal, costs  
*McHugh v. McHugh* - dissolution, equitable distribution  
*Shultz v. Johnson* - tortious interference, family trust  
*Borders v. Harris* - judgment, appeal, jurisdiction, garnishment  
*Giles v. State* - Anders appeal, probation revocation, written order  
*Clark v. S State Bank* - foreclosure, pre-acceleration notice  
*Smith-Fullerton v. Fullerton* - certiorari; personal financial information

*Raven v. State* - Anders appeal, corrected judgment

*Kincaid v. Kincaid* - dissolution, equitable distribution, alimony

*DCF v. JD* - concession of error

*DLD v. State* - certiorari; incompetency, involuntary commitment

# Court of Appeal - Lakeland

## Sixth District

*Matragrano v. Windsong Club Apartments* - summary disposition

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