

# Florida Appeals Court Decisions: Week of April 23 - 27, 2018

April 23, 2018

## U.S. Eleventh Circuit Court of Appeals

[Dixon v. Pollock](#) - § 1983, gain time

[US v. Whitman](#) - bribery, sentencing

[First National Bank of Oneida v. Brandt](#) - bankruptcy

[FDIC v. Loudermilk](#) - apportionment, joint & several liability, certification

[Clayton Cnty v. FAA](#) - aviation fuel tax

[Bush v. Fla DOC](#) - habeas corpus

[Barnes v. DOC](#) - habeas corpus

[Hand v. Scott](#) - stay pending appeal

[CSX Transp v. Ala DOR](#) - rehearing, RRRRA

[Ga Republican Party v. SEC](#) - FINRA, standing, venue

## Florida Supreme Court – Tallahassee

[Cantore v. W Boca Med Ctr](#) - medical negligence, physician testimony

[Nat'l Deaf Acad v. Townes](#) - medical negligence, presuit requirements

[Trease v. State](#) - capital case, postconviction relief, *Hurst*

[Evans v. State](#) - sentencing, *Hurst*

[Woodson v. Woodson](#) - pro se sanctions

## First District Court of Appeal – Tallahassee

[DuBois v. State](#) - burglary with firearm  
[Smith v. State](#) - sentencing  
[Okashah v. State](#) - appellate jurisdiction  
[Webb v. Blue](#) - probate, homestead, devise  
[BS v. DCF](#) - appellate jurisdiction, juvenile rules, rehearing  
[De La Piedra v. De La Piedra](#) - alimony, child support, fees  
[Smith v. State](#) - postconviction relief  
[Becnel v. AIZ Holdings](#) - certiorari, discovery  
[Robinson v. State](#) - appellate jurisdiction, postconviction relief  
[Overstreet v. Overstreet](#) - timesharing, military

## Second District Court of Appeal – Lakeland

[Blinn v. West Shore Villas](#) - appellate fees, authority to award  
[Kozel v. Kozel](#) - contempt, duty to obey  
[HSBC Bank v. Nelson](#) - foreclosure, limitations, ¶ 22  
[Ganzemuller v. Omega Ins](#) - insurance, valued policy, repairs

## Third District Court of Appeal – Miami

[DCF v. Garcia](#) - certiorari, competency  
[Williams Island v. De La Mora](#) - ad valorem taxes, class actions  
[Sanchez v. Miami-Dade](#) - sovereign immunity, negligent security  
[RJ Reynolds v. Davis](#) - new trial, counsel's conduct, prior verdict  
[Papastrati v. Papasakelariou](#) - foreign law, interpretation  
[Francis-Harbin v. Sensormatic](#) - inconsistent verdict, damages  
[Homeowners Choice v. Avila](#) - certiorari, discovery, insurance, claim file  
[Fersom Mort v. Moreno](#) - subject matter jurisdiction, crossclaim  
[90 CWELT-2008 v. Yacht Club](#) - foreclosure sale, vacatur  
[Rodriguez v. Guerra](#) - lis pendens, discharge, appellate jurisdiction

## Fourth District Court of Appeal – West Palm Beach

[Tognoli v. Philip Morris](#) - comparative fault

[Blok Builders v. Katryniok](#) - rehearing; indemnity  
[Joseph v. State](#) - hearsay; recorded jail calls  
[Gomez v. State](#) - rape shield law  
[Black v. Cohen](#) - voir dire; objections; preservation  
[Bittle v. State](#) - competency  
[Target v. Kaufer](#) - negligence; mode of operation  
[Williams v. State](#) - Jimmy Ryce Act; hearsay  
[Cameron v. Jastremski](#) - defamation; immunity; public official  
[Lenz v. State](#) - closing argument; voir dire, preemptory strike  
[Hill v. State](#) - probation violation  
[Jervis v. Geico](#) - insurance; written notice; s. 627.727  
[Kirschner v. Kirschner](#) - rehearing; martial settlement agreement  
[Nolden v. Summit Fin](#) - usury; motor vehicle finance  
[Santos v. State](#) - closing argument; preservation  
[HSBC Bank v. Sanchez](#) - rehearing; foreclosure; res judicata  
[Smulders v. Thirty-Three Sixty Condo](#) - mootness  
[Mitchell v. State](#) - new trial; preservation  
[Wright v. Deutsche Bank](#) - foreclosure; summary judgment  
[North Shore Medical v. Accredited Health](#) - arbitration; predecessor entity  
[Fort Lauderdale v. Nichols](#) - sovereign immunity  
[Custom Marine v. Boywic Farms](#) - commercial lease; payments  
[Guy v. Plaza Home Mortg](#) - Broward Clerk; procedures

## Fifth District Court of Appeal – Daytona Beach

[PNC v. Roberts](#) - foreclosure; default letter  
[Turan v. Nationstar](#) - judicial default  
[Gonzalez v. Stern](#) - relinquishment; scope  
[Thomas v. State](#) - postconviction relief  
[Maxwell v. State](#) - sentencing  
[McIntosh v. State](#) - postconviction relief  
[REB v. DCF](#) - parental rights  
[HRG v. DCF](#) - parental rights

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