

# Florida Appeals Court Decisions: Week of December 10 - 14, 2018

December 15, 2018

## U.S. Eleventh Circuit Court of Appeals

*Guillen v. US* – immigration, controlled substances

*Caron v. NCL (Bahamas)* – subject matter jurisdiction, negligence

*Carbone v. CNN* – anti-SLAPP

*Freyre v. Chronister* – sovereign immunity

## Florida Supreme Court - Tallahassee

*Shelly v. State* - *Miranda*, right to counsel

*Martin v. State* - hazing prohibition, constitutionality

*State v. Lewars* - prison release reoffenders

*Lee v. State* - double jeopardy

*State v. Peraza* - law enforcement, immunity

*In re FIR Traffic Ct* - amended rule

*In re Fam L R Pro* - amended rule

*Rodriguez v. State* - sentencing, *Hurst*

*Jones v. State* - sentencing, *Hurst*

*In re Fla Std Jury Instr (Crim)* - amended instructions

*In re Fla Std Jury Instr (Crim)* - amended instructions

*In re Fla Std Jury Instr (Crim)* - amended instructions

## First District Court of Appeal - Tallahassee

*Bass v. State* - jury interview, gruesome photo, resisting officer

*Scott v. State* - sentencing

*US Fire v. Hackett* - workers' compensation

*Schroll v. Schroll* - contempt, equitable distribution

*Heard v. DOC* - certiorari, gain time, ex post facto challenge  
*Rawson v. Gulf Coast Prop Mgmt* - s. 57.105, rent proceeds  
*Little v. Davis - Murphy*, attorney misconduct  
*Erskine v. Erskine* - magistrate report, exceptions; alimony  
*Faison v. State* - appellate jurisdiction  
*Golden v. Tanzler* - telephonic appearance, prisoner  
*Sims v. State* - ineffective assistance, double jeopardy, sentencing  
*State Farm v. Hanania* - negligence, inference stacking  
*Gear v. State* - dog tracking evidence  
*Elswick v. State - Faretta* inquiry  
*Hansen & Adkins Auto v. Martin* - workers' compensation  
*Hill v. State* - postconviction relief  
*Dettelbach v. DBPR* - public records, pending proceeding  
*Johnson v. State* - sentencing, prison release reoffenders  
*St Lucie FCRD v. Fla Municipal* - workers' compensation  
*Crown v. Prendiville* - workers' compensation  
*Mathis v. State* - workers' compensation

## Second District Court of Appeal - Lakeland

*Bravo v. State* - community control revocation  
*Strickland v. Pinellas* - dangerous animals, declaratory relief  
*Bing v. State* - postconviction relief  
*Drossos v. State* - Stand Your Ground; certified conflict  
*Tate v. Tate* - domestic violence injunction  
*Bro v. Bro* - equitable distribution

## Third District Court of Appeal - Miami

*White v. Ring Power* - expert testimony, *Frye*; *Binger*  
*Rosen v. Harborside* - loan guaranty, release  
*Sweeting v. State* - closing argument, burden of proof  
*State v. Brown* - search and seizure  
*Hayes Robertson v. Cherry* - expert testimony, *Daubert*/*Frye*  
*Libman v. Fla Wellness* - appellate jurisdiction

## Fourth District Court of Appeal - West Palm Beach

*Philip Morris v. Martin* - punitive damages; comparative fault

*Brown v. State* – waiver; juvenile court; jurisdiction

*Kenney v. Goff* – alimony

*Vento v. Balboa Ins* – failure to amend; sanction; *Kozel*

*McAbee v. McAbee* – child custody; UCCJEA

*Talcott Resolution v. Harford Life* – structured settlement; enforcement

*Rodriguez v. Wilmington Savings* – foreclosure; attorney's fees; standing

# Fifth District Court of Appeal - Daytona Beach

*Clarke v. State* – sexual battery, mentally defective, certified question

*Smith v. State* – first degree murder, wiretap

*CB Contractors v. Allens Steel* – construction; indemnification, contractual, common law

*Walsh v. Walsh* – marital settlement agreement, contempt, enforcement

*State v. Archer* – criminal; suppression, plain view, exigency

*Brown v. Poole* – life insurance, constructive trust, statute of limitations

*SS v. State* – restitution, evidence

*Vanacore Constr v. Osborn* – compel arbitration

*Smith v. State* – postconviction relief

*Hodge v. State* – *Spencer* warning

*Nemours Foundation v. Arroyo* – certiorari, attorney-client privilege

*Edwards v. State* – postconviction relief

*Sledge v. State* – *Spencer* sanctions

## Related Practices

[Appellate & Trial Support](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.

