

# 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

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