

Florida Appeals Court Decisions: Week of December 17 - 21, 2018

December 22, 2018

U.S. Eleventh Circuit Court of Appeals

Friedenberg v. Palm Beach Cnty Sch Bd - suspicionless drug testing

Florida Supreme Court - Tallahassee

Fla Bar v. Kinsella - attorney discipline

State v. Murray - capital case, postconviction relief

King v. State - capital case, postconviction relief

Ruiz v. Tenet - proximate cause

Allen v. State - capital case, postconviction relief

Gosciminski v. State - capital case, postconviction relief

Rivera v. State - capital case, postconviction relief

Lee Memorial v. Progressive - healthcare liens, contractual impairment

McCloud v. State - witness tampering

Robinson v. State - capital case, postconviction relief

Cartenuto v. Justice Admin Comm'n - capital case, attorney's fees

Brown v. State - sentencing

Taylor v. State - capital case, postconviction relief

Marts v. Jones - pro se sanctions

In re Std Jury Instr (Crim) - amended instructions

In re Std Jury Instr (Crim) - more amended instructions

In re Std Jury Instr (Crim) - more amended instructions

In re Std Jury Instr (Civ) - new instructions, fiduciary duty

In re Std Jury Instr (Civ) - new instructions, emotional distress

First District Court of Appeal - Tallahassee

Mobley v. State - Medicaid lien
Whisby v. State - collateral crimes evidence
Wilson v. State - undisclosed expert
King v. State - sentencing
RJ Reynolds v. Whitmire - Engle progeny, fraudulent concealment
Counsil v. Anderson - domestic violence injunction
Wippel v. RAAC - administrative appeal, timeliness
Manning v. State - drug trafficking, knowledge
Williams v. FCOR - certiorari, parole release
Teehan v. Fla E Coast Ry - FELA, limitations
Jacksonville Bch v. BCEL 4 - city planning, judicial remedies
Heartland Exp v. Farber - post-judgment interest
Hall v. State - child abuse
AP v. DCF - parental rights, termination
Hutchinson v. State - untimely appeal
Mayers v. State - prohibition; Stand Your Ground; certified conflict

Second District Court of Appeal - Lakeland

Turner v. State - community control revocation
Cert'd Windshield v. GEICO - insurance, fees, review standard
Miley v. Dunn - sexual violence injunction
Abdo v. Abdo - personal jurisdiction
Haskell v. Haskell - appellate jurisdiction

Third District Court of Appeal - Miami

Space Coast CU v. Goldman - foreclosure, intervention
Westchester Fire v. Kosoki Painting - construction, change orders
Westchester Fire v. Kesoki Painting - attorney's fees, lack of transcript
Chiong Cortes v. State - sentencing
Citimortgage v. Porter - real property, mortgage priority
Llanso v. Gomez de Cordova - rule 1.540, jurisdiction pending appeal
Progressive Waste v. Britt - void judgments
GMR v. DCF - parental rights, termination
Rey v. State - prison credit
Jacobsen v. Busko - certiorari; guardianship counsel
Fla Wellness v. Feldman - certiorari; circuit court appeal, dismissal
Local Door v. Mayers - appellate jurisdiction, indemnification order
Owens v. State - pro se sanctions

Elias v. State - post-trial release

Fourth District Court of Appeal - West Palm Beach

Johnson v. State - Melbourne procedure

Rosario v. State - sentencing

Fox v. Fox - alimony, findings, *en banc*

Sacks v. Bank of NY - foreclosure, payment history

Janoura Partners v. Palm Beach Imports - injunction, easement

Owens v. State - closing, statement of law

Imerys Talc v. Ricketts - personal jurisdiction

Seminole Lakes HOA v. Esnard - proximate causation

State v. Estime - statute of limitations, extension

Culbertson v. 21st Mortgage - foreclosure, amounts owed

Johnson v. Townsend - probate, community property rights, certification

Martinec v. Early Bird Int'l - deficiency judgment

Rodriguez v. Altomare - expert testimony, fees

Fox v. DCF - work exemption

Sky Zone v. Weekly - arbitration, effective review

Baldwin v. Willet - temporary injunction, constructive trust

Hoskins v. State - jail credit

Fifth District Court of Appeal - Daytona Beach

Citizens v. Thorne - homeowner's insurance, sinkhole

State Farm v. Wallace - UM benefits

MacGregor v. Daytona Intl - negligence, summary judgment

EM v. State - concession of error, written order

EP v. Hogreve - legal malpractice

Strong Portfolio v. GMAC - foreclosure, conflicting orders

Staten v. State - probation violation

Howard v. State - attempted manslaughter, scrivener's error

King v. State - postconviction relief

Progressive v. Bigney - certiorari; dismiss, nonjoinder

Taylor v. DOR - lack of transcript

Bozada v. State - ineffective assistance, trial

Smith v. State - postconviction relief

[*Ayeni v. State*](#) - jail credit

[*Franceschi v. State*](#) - sentencing

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