

Florida Appeals Court Decisions: Week of November 12 - 16, 2018

November 17, 2018

U.S. Eleventh Circuit Court of Appeals

US v. St. Hubert - crimes of violence, Hobbs Act

Florida Supreme Court - Tallahassee

Harvey v. State - capital case, postconviction relief

Mungin v. State - capital case, postconviction relief

Reed v. State - capital case, postconviction relief

IAF v. State - dismissed, improvidently granted

Herssein & Herssein v. USAA - judicial disqualification, Facebook friends

In re J White-Labora - judicial discipline

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

First District Court of Appeal - Tallahassee

DOH v. Shands - trauma centers, need, rulemaking

Buck v. Jones - prisoner grievance

Convergent Tech v. Stone - non-solicitation agreement

Am Heritage Life v. Smith - certiorari, punitive damages amendment

Torrens v. Shaw - election, qualification, private right of action

Second District Court of Appeal - Lakeland

Darwin v. State - sentencing

Aguilar v. State - search and seizure

Purdue v. RJ Reynolds - rule 1.540, notice, lack of prosecution

Baden v. Baden - prohibition, voluntary dismissal, trusts

Diamond v. Gallin - vacating default

Citizens v. Salkey - insurance, concurrent cause, excluded peril

Sorensen v. Bank of NY - foreclosure, amending pleadings

Home Title v. LaSalla - LLCs, standing to sue, direct injury

FL-7 v. SWF - real estate broker, commissions

Third District Court of Appeal - Miami

Miami v. Puerto Peralta - appellate jurisdiction, sovereign immunity

Silva v. State - self-defense instructions

US Bank v. Raheb - adopting proposed order; foreclosure, prior dismissal

Peoples v. State - habeas corpus

Cuenca v. State Bd of Admin - retirement benefits

Fourth District Court of Appeal - West Palm Beach

Pierre v. State - sentencing

Nationstar Mortg v. Cullin - foreclosure; appellate record

Joseph v. State - Miranda; right to counsel

Ramsay v. State - competency hearing

Nuttle v. Nuttle -- alimony

Olsen v. Olsen - temporary injunction; unsworn statements

Richard v. Bank of Am - rule 1.540; due process; summary judgment

Palm Beach Gardens v. Oxenvad - annexation; certiorari; jurisdiction

Fifth District Court of Appeal - Daytona Beach

Baker v. State - remand, juvenile sentencing

Berger v. State - en banc; attempted sexual battery, minor

Griffin v. Putnam County Sheriff - Whistle-blower's Act

Kohl v. Rammacca - dissolution, setoff

Clark v. State - scrivener's error

In re Adoption of JMB - stepparent adoption, consent

Minix v. State - postconviction relief

Jones v. State - community control

Smail v. State - sentence

PR v. DCF - parental rights, termination

Duncan v. State - rule 1.540(b), opportunity to amend

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