

Florida Appeals Court Decisions: Weeks of November 19 - 30, 2018

November 30, 2018

U.S. Eleventh Circuit Court of Appeals

Cote v. Philip Morris - *Engle*, JMOL, due process

United States v. Oliva - speedy trial

Jordan v. MS DOC - Rule 30(b)(6), Lethal Injection Secrecy Act

Fernandez v. Bailey - Hague Convention on Child Abduction

Lopez v. United States - immigration

CSX v. United States - Railroad Ret Tax Act, Federal Insurance Contributions Act

Florida Supreme Court - Tallahassee

Tisdale v. State - capital case, direct appeal

Campbell v. State - capital case, post-conviction relief

Vickers v. Thomas - jurisdiction discharged

Trotti v. Scott - trial judge appointments

Fla. Bar v. Alters - attorney discipline

In re Std Jury Instr (Crim) - amended instructions

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

First District Court of Appeal - Tallahassee

Kitt v. State - independent act doctrine

Bennett v. State - conspiracy, principals instruction

Jenkins v. State - trial court standards, acquittal, new trial

Madison v. State - opening the door

3 Josephs v. Lease Inv. - foreclosure sale

Shands v. DOH - unadopted rules, admin challenge
Nieves v. State - sentencing
Ham v. Portfolio Recovery - account stated, fees; certified conflict
Channell v. State - search and seizure
Williams v. State - sentencing
Boston v. State - Stand Your Ground
Scott v. Hinkle - prohibition, financial disclosures, Ethics Comm'n
Napoli v. Div of Risk Mgmt. - parole evidence
DOH v. Rehab Ctr. - contempt, public records request
Marraffino v. Stericycle - workers' compensation
Carter v. State - habeas corpus
Holmes v. FAMU - employment, breach of contract
Keystone Airpark v. Pipeline - special damages; certified question
Daly v. DJJ - juvenile detention funding
Burnsed v. FCOR - certiorari, release
Calhoun v. State - preservation of error, jury instructions; sentencing
Wells Fargo v. Smith - rule 1.540, void order, jurisdiction
Huckaba v. State - information; ineffective assistance
Cooper v. State - *Richardson* inquiry; plea discussion evidence
Floyd v. State - driver's license, learner's permit

Second District Court of Appeal - Lakeland

Negron v. State - probation revocation
Martin v. State - post-conviction relief
RM v. State - juveniles, right to counsel
Adkins v. Mem Motors - arbitration

Third District Court of Appeal - Miami

Heredia v. State - preservation of error
Medina v. State - battered spouse syndrome, expert testimony, *Daubert*
Nestor v. Estate of Posner - settlement approval
Brown v. State - *Alleyne* violation
Deutsche Bank v. Sombrero Bch Rd - foreclosure, dismissal, *Kozel*
DCF v. Feliciano - appellate jurisdiction, sovereign immunity
Colgan v. Shadow Point - riparian rights, property ownership
Five Seas v. Guzman - condominium, easement
Demir v. Schollmeier - personal jurisdiction, service, fundamental error
Deer Valley Realty v. Beck & Lee - dismissal as sanction
Hales v. State - post-conviction relief, venue

Coventry Health v. Crosswinds Rehab - arbitration
Kelly v. Torres - prohibition
Citizens v. Ballester - disregard of court order
D&E v. Vitto - specific performance
Wilson v. State - right to counsel
Citizens v. Vazquez - discovery violations, insurance claims
Starboard Cruise v. DePrince - rule 1.442, settlement proposal
Fla. Recov Adjust v. Pretium Homes - garnishment, civil theft, treble damages
Towns v. State - probation revocation
Hayes v. Reverse Mortgage - foreclosure, reverse mortgage, limitations
Falcon v. Wilmington Sav - foreclosure, default
White v. Ferco Motors - FDUTPA, auto purchase
Harborside Suites v. Rosen - garnishment
MP v. State - delinquency, evidence, uncharged crime
Highland Stucco v. Onorato - personal jurisdiction
Olaechea v. Olaechea - equitable lien

Fourth District Court of Appeal - West Palm Beach

Pansky v. Pansky - s. 57.105; attorneys' fees; evidence
Cataldo v. State - sentencing
Cook v. Cook - guardianship; physical examination
Powers v. State - sentencing
Seligsohn v. Seligsohn - guardian ad litem; fees; marital dissolution
Cammarata v. Cammarata - child support
Charterhouse v. Valencia Reserve - property association; invitee
Brown & Brown v. Gelsomino - joint and several liability; abolishment; retroactivity
State v. Meyers - DUI; blood test; consent
Puhl v. Puhl - marital dissolution; parenting plan
Benavente v. Ocean Village - foreclosure; substitute service
Chalmers v. Chalmers - marital dissolution; child relocation
KC v. DCF - parental rights
Reidy v. Reidy - prohibition; charging lien; timeliness
State v. Wooten - search warrants; redaction; confidentiality
Ferrari v. State - cell-site location information, Fourth Amendment; *Richardson*
Telisme v. State - ineffective assistance
Little Club Condo v. Martin County - cell tower, comprehensive plan
Countyline Auto Ctr v. Kulinsky - arbitration
Sn Specialties v. Farmhouse Tomatoes - offer of judgment

Saponara v. Saponara - relocation

In re Name Change - name change

Vale v. Palm Beach County - Bert Harris Act

Maldonado v. Buchsbaum - temporary injunction

Fifth District Court of Appeal - Daytona Beach

Linville v. State – post-conviction relief

DCF v. BY – dependency, arraignment; dismissal

Araj v. Renfro – jury instruction; scooter, highway

Mitchell v. State – postconviction relief

Portwood v. Portwood – alimony, contempt, enforcement

EO Ramsey v. Northport Health Servs. of Fla. – arbitration, Alabama Rules of Evidence

Foley v. State – scrivener's error

Greenshields v. Greenshields – sale proceeds, restriction; injunction, dissolve

Wilson v. DCF – food assistance, overpayment; hearing

State v. Frank – certiorari, pretrial intervention

Tedder v. State – pro se filing restrictions

Brumfield v. State – post-conviction relief

Hodges v. State – post-conviction relief

Stokes v. State – pro se, frivolous appellate filings

Turem v. State – postconviction relief

Baker v. State – remand, juvenile sentencing

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

Griffin v. Putnam County Sheriff - Whistleblower 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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