

Florida Appeals Court Decisions: Week of October 29 - November 2, 2018

November 03, 2018

U.S. Eleventh Circuit Court of Appeals

Intl Fidelity Ins v. Americaribe-Moriarty JV - attorney's fees

Jones v. Fla DOC - habeas corpus, ADEPA, limitations

Washington v. Soc Security Commr - Social Security Act

Fastcase v. Lawriter - subject-matter jurisdiction

McCullough v. Finley - immunity

PETA v. Miami Seaquarium - en banc

Phillips v. Warden - habeas corpus, limitations

In re Garrett - sentencing, ACCA

Florida Supreme Court - Tallahassee

Nock v. State - rule of completeness; impeachment

DH v. Adept Comm Serv - fundamental error, GAL, limitations, minors

Shepard v. State - automobile as weapon

First District Court of Appeal - Tallahassee

Gov Scott v. AHF MCO - public records, Governor's calendar

Venn v. Fowlkes - stalking injunction

Wilkins v. State - untimely appeal

Tucker v. State - Faretta inquiry

Halpern v. Koikos - missing transcript

Davis v. State - search and seizure

Coffell v. State - sentencing
Ford v. State - postconviction relief; implied deadline
Holt v. Holt - void order, rule 1.540
Floyd v. State - postconviction relief
Normandy Ins v. Sorto - workers' compensation
State v. Scharlepp - prohibition; judicial disqualification
Shaw v. State - belated appeal

Second District Court of Appeal - Lakeland

Toth v. Miller-Toth - adopting proposed judgments
IK v. State - delinquency, resisting arrest
Deutsche Bank v. Noll - foreclosure, standing
Deutsche Bank v. Noll - fees, costs, following merits
Progressive v. SHL Enters - second-tier certiorari, insurance, windshield law
Progressive v. Fry Enters - second-tier certiorari, due process
Humphrey v. State - pro se sanctions
Mattick v. Lisch - rule 1.260, death, substitution

Third District Court of Appeal - Miami

Nieburg v. Sulzberger - legal malpractice
Bank of NY v. Arnoux - foreclosure, limitations
Aquasol CA v. HSBC - foreclosure, standing; judicial disqualification
Santos v. HSBC - foreclosure, appellate jurisdiction
Am Shuttle v. Zilber - asset purchase agreement
Ortega v. Citizens - insurance, water damage
Levin v. Pritchard - certiorari, punitive damages
Lovell v. Perez - real estate commission, indemnification
Venezia v. Wells Fargo - foreclosure sale, appellate jurisdiction
Berenyi v. DCF - adoption, notice
RDS v. DCF - dependency
FP&L v. Velez - prohibition, PSC jurisdiction
Torres v. Variety Children's Hosp - certiorari, patient record
Ryan v. Ryan - timesharing; appellate jurisdiction
Walker v. Tekerman - appellate jurisdiction

Fourth District Court of Appeal - West Palm Beach

Bluefield Ranch v. SFWMD - rehearing; standing; administrative proceeding
Supria v. Goshen Mortg - costs; timeliness; appellate order; rendition
Cadavid v. State - cross-exam; break; attorney/client discussion; harmless error
JH v. State - search and seizure
Davis v. State - public defender fee
Torres v. Deutsche Bank - foreclosure; conditions precedent; paragraph 22 notice
Rickard v. Nature's Sleep - s. 57.105; sanctions; attorney's fees; client consult
Curry v. State - postconviction relief
Howard v. Gualt - foreclosure; default; substitute service; diligence
CB v. DCF - parental rights

Fifth District Court of Appeal - Daytona Beach

Raymond v. State - attempted murder; 911 call, Confrontation Clause, hearsay
Blackburn v. Wissner - dissolution; marital home, credit, payments
Parcilla v. State - competency, written order
Caldwell v. Caldwell - domestic violence injunction
Robinson v. Robinson - domestic violence injunction, sufficient evidence
Davis v. State - burglary, grand theft; costs, restitution
Rotunda v. Rotunda - dissolution; temporary fees, costs, suit money
Evans v. State - Anders, scrivener's error
Harris v. State - postconviction relief
Progressive v. Fla Hosp - certiorari, PIP deductible; certified conflict, certified question

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