

# Florida Appeals Court Decisions: Week of April 29 - May 3, 2019

May 03, 2019

## U.S. Eleventh Circuit Court of Appeals

*US v. Delva* – search and seizure, experts, sentencing

*Lester v. US* – en banc

*Jenkins v. Anton Legal Group* – FLSA

*Showan v. Pressdee* – trial evidence, attorney's fees

*US v. Hano* – limitations, 5th Amendment, 6th Amendment

*SEC v. Torchia* – Ponzi scheme, due process

*Nance v. Ga Diagnostic Prison* – habeas corpus, ineffective assistance

*Palencia v. Perez* – ICARA

*US v. Spence* – sentencing

*City of Miami v. Wells Fargo* – FHA

## Florida Supreme Court - Tallahassee

*In re Fla Evid Code* - evidence code

## First District Court of Appeal - Tallahassee

*Pasicolan v. State* - double jeopardy

*Coffey v. State* - double jeopardy

*Brunson v. Ashley* - proposal for settlement

*Crapo v. Gainesville Chamber* - ad valorem taxation

*Padgett v. Padgett* - alimony, lack of transcript

*McIntosh v. Myers* - real property, restrictive covenants, tree removal

*Drakus v. State* - postconviction relief

*Dowell v. State Farm* - vehicle lien, timely notice, § 713.78

*Stone v. McMillian* - stalking injunction  
*Wright v. State* - jail credit  
*Jackson v. State* - rereading jury instructions, sentencing  
*Carr v. State* - theft, instructions, good faith, willful blindness  
*Israel v. State* - ineffective assistance  
*Prada USA v. Young* - workers' compensation  
*Thomason v. State* - *Miranda*, custody  
*Dawson v. State* - special instruction, video record  
*Varricchio v. St Lucie Clerk* - workers' compensation  
*Alsubaie v. State* - ineffective assistance  
*Farmer v. State* - sentencing, juveniles  
*Ellison v. State* - habeas corpus, ineffective assistance  
*State Farm v. Sheppard* - appraisal  
*Casey v. Inch* - appellate jurisdiction  
*FAMU v. Kimbrough* - certiorari, time limit

## Second District Court of Appeal - Lakeland

*Mesen v. State* - lewd conduct, evidence  
*Sanchez v. State* - two-way communications device, mischief, evidence  
*Joiner v. Pinellas* - ad valorem taxation, sovereign immunity  
*HSBC v. Leone* - foreclosure, paragraph 22  
*Monroe v. State* - postconviction relief  
*State v. Jean* - certiorari, confidential informant  
*Laura's Secret v. Grier* - appellate jurisdiction, contempt motion  
*Dowell v. Knoras* - contempt, evidence  
*Manley v. State* - Stand Your Ground, certified conflict  
*Kieffer v. Atheists of Fla* - defamation, summary judgment  
*Hernandez v. State* - appellate attorney sanctions

## Third District Court of Appeal - Miami

*Garcia v. State* - theft; circumstantial evidence, murder  
*Byron v. State* - competency  
*State v. Harris* - search and seizure  
*Cornfeld v. Plaza of Americas* - shareholder derivative action  
*Porto v. Walker* - injunction, specifying grounds  
*D'Agostino v. CCP Ponce* - deficiency action, bankruptcy effect, interest  
*Comvest v. IMC* - arbitration  
*State v. Rincon* - probation violation  
*Lincoln Mews CA v. Harris* - void judgment, dropped party

*Rodriguez v. ALS* - summary affirmance

*Gyden v. State* - postconviction relief

*Machinery v. Ainsworth* - certiorari

*Pounds v. State* - postconviction relief

*Lee v. State* - pro se sanctions

## Fourth District Court of Appeal - West Palm Beach

*Radice v. State* - downward departure

*Long v. State* - competency hearing

*Thomas v. State* - competency

*Soltis v. State* - Nelson inquiry, preservation

*Alessio v. Ocwen* - foreclosure, proof of mailing

*Perault v. Perault* - dissolution, attorney's fees, future enforcement

*Petri Positive Pest Control v. CCM Condo Assn* - offer of judgment, prejudgment interest

*Johansson v. Johansson* - child support

*Stout v. Stout* - child support arrearages

*Hatfield v. N Broward Hosp* - whistle-blower, temporary reinstatement

*Johnson v. State* - pretrial detention, jurisdiction

## Fifth District Court of Appeal - Daytona Beach

*Malave v. State* - evidence, victim's statement

*Wilcox v. State* - right to private counsel

*Lathan v. State* - ineffective assistance, certified questions

*Orange Springs v. Delk* - corrected verdict, discretion

*Teague v. Pepsi* - summary judgment, additional discovery

*Potchen v. State* - pro se sanctions

*Vogds v. State* - postconviction relief

*JG v. DCF* - parental rights, termination

*Osborne v. State* - certiorari, probation modification

*Bent v. State* - habeas corpus

*Gold Crown v. Phillpotts* - venue, forum selection clause

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