

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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