

Florida Appeals Court Decisions: Week of April 8 - 12, 2019

April 13, 2019

U.S. Eleventh Circuit Court of Appeals

US v. Vereen - firearm possession, sentencing

Burban v. City of Neptune Beach - § 1983, LEOSA

Price v. Ala DOC - stay of execution

Oak Grove Resources v. US DOL - BLBA, agency

Florida Supreme Court - Tallahassee

In re R Reg Fla Bar - corrected opinion, bar rules

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

In re Judge Bailey - judicial discipline

First District Court of Appeal - Tallahassee

State v. Smith - postconviction relief

Gaymon v. State - sentencing

Bowen v. Volz - equitable distribution, closely held business

McFadden v. State - postconviction relief

Falk v. Harris - workers' compensation

JB v. DCF - certiorari, dependency, due process

De La Rosa v. Cheney Bros - workers' compensation

Powell v. State - fundamental error, hearsay

Young v. State - *Miranda*

Weddington v. State - judicial comments, fundamental error

Nazzal v. DOC - employment, whistle-blower

Morris v. Winbar - easements, types; law of the case

Second District Court of Appeal - Lakeland

Sams v. State - jury instructions, fundamental error, exceptions

Rivera v. State - Stand Your Ground, certified conflict

Livingstone v. State - probation revocation

Dood v. Dood - missing transcript; attorney's fees, findings

Moore v. Holton - income deduction order

Diamond v. Elvis Towing - certiorari, venue transfer, class certification

State v. Bethley - certiorari, DNA statistical evidence

Tate v. McNeil - rule 1.420, lack of prosecution

Austin Comm'l v. MCC - arbitration

Wright v. State - double jeopardy

Byra v. State - probation revocation

Third District Court of Appeal - Miami

Baker v. State - double jeopardy

RJ Reynolds v. Ledo - *Engle* progeny, closing argument, punitive damages

Mitchell v. State - right to cross-examine

Hussey v. Lara - sexual violence injunction, need for counsel

Broz v. Reece - negligence, limitations statute

Winn-Dixie v. Winters - new trial motion, successor judge

Benitez v. Leal - charging lien

State v. Socarras - *Miranda*

Keys Country v. 1733 Overseas Hwy - mortgage, reformation

Carrillo v. IndyMac - summary affirmance

Bank of Am v. Atkin - bar referral, improper arguments

Jimenez v. Granada Ins - certiorari, third-party subpoena for claim file

Olin v. Wilmington Sav - untimely appeal

YV v. DCF - certiorari, child custody

Fourth District Court of Appeal - West Palm Beach

AVP Destiny v. FD Destiny - prejudgment interest; civil theft

Machin v. State - en banc; competency hearing

Florida Peninsula Ins v. Deporter - proposal for settlement; interlocutory appeal

Gallo v. State - sentencing; deterrence

Scire v. Hochman - paternity; attorney's fees; calculation

Boggess v. State - prior consistent statements; closing argument, burden-shifting

Weiner v. Maulden - proposal for settlement; consolidation

Platt v. State - sentencing

Lilly v. Bank of Am - service of process

Whitley v. State - pre-trial house arrest; costs

Cohen v. Scarnato - venue, transfer; trust dispute

Fifth District Court of Appeal - Daytona Beach

Berben v. State - sentencing

State v. Grammig - statute of limitations

Redmond v. First Guaranty Mort Corp - relief from judgment

Vitelli v. Hagger - statutory way of necessity

Royal Palms Senior Apts v. Constr Entrs - arbitration

State v. Schuler - downward departure

Smith v. State - jail credit

Rish v. State - sentencing

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