

# Florida Appeals Court Decisions: Week of August 19 - 23, 2019

August 23, 2019

## U.S. Eleventh Circuit Court of Appeals

*US v. Stahlman* - opinion testimony, sentencing

*Bowles v. DeSantis* - stay of execution, § 1983

*US v. Hawkins* - opinion testimony

*Diverse Power v. LaGrange City* - state-action immunity

*Pesci v. Budz* - § 1983, First Amendment

*Bowles v. Fla DOC* - stay of execution, habeas corpus

*Perez-Sanchez v. US* - immigration

*Huebner v. Bradshaw* - search and seizure, excessive force

*In re Bowles* - successive habeas petition, stay of execution

*Bellitto v. Snipes* - NVRA, HAVA

## Florida Supreme Court - Tallahassee

No decisions this week.

## First District Court of Appeal - Tallahassee

*Hicks v. State* - en banc denial, appeal after plea

*Marshall v. State* - sentencing

*Kever v. State* - competency

*Holmes v. State* - second-degree murder, evidence

*Roberts v. State* - peremptory, scope of cross, lay opinion, past recollection recorded

*Moore v. State* - jury poll

*Bell v. Jacksonville* - limitations, relation back

*Nolan v. State* - detective's identification from video, new trial standard

*DOH v. Redner* - costs reversal following merits

*Lewis v. OPD* - mandamus, evidentiary hearing

*Brown v. State* - *Williams* rule evidence, challenging counsel's credibility

*Schiano v. Hollywood PD* - workers' compensation

*Neurology Partners PA v. Progressive* - second-tier certiorari, scope

*Taulbee v. State* - sentencing

## Second District Court of Appeal - Lakeland

*Shrader v. State* - en banc review, use of; judgment of acquittal standard

## Third District Court of Appeal - Miami

*Moxey v. State* - probation revocation

*Miami v. Santos* - injunction, administrative hearing

*Proj Dev Ent v. Elka Hldgs* - derivative claim, damages

*Varela v. Ola CA* - non-party discovery, attorney-client privilege

*Diogo v. Diogo* - *Applegate* affirmance

*Mesa v. Miami-Dade* - lack of prosecution, rule 1.540 challenge

*McGee v. State* - postconviction relief

*CDC Cap Inv v. Specialized* - *Applegate* affirmance

*Reno v. Hurchalla* - probate, trust

*DiRusso v. CIT Bank* - foreclosure sale

*Cazarez v. State* - postconviction relief

*Aparicio v. Deutsche Bank* - foreclosure sale

*Real State Golden Inv v. Larrain* - prohibition, judicial disqualification

## Fourth District Court of Appeal - West Palm Beach

*Natal v. State* - reckless driving

*Brown v. State* - sentencing

*Hudson v. State* - collateral crime; self-defense

*Maldonado v. State* - search and seizure; GPS monitor

*Homeowners Choice v. Mahady* - certiorari; discovery; claims files

*First Protective Ins v. Ahern* - insurance; appraisal; waiver

*North Broward Hospital v. Slusher* - certiorari; medical negligence; dismissal

## Fifth District Court of Appeal - Daytona Beach

*Harris v. State* - entrapment  
*State v. Washington* - sentencing, downward departure  
*Swearingen v. Rio Villa* - subject matter jurisdiction  
*#1 Anytime Bail v. State* - remission, bond  
*Copeland v. State* - ineffective assistance  
*Patel v. Patel* - partition, evidentiary hearing  
*Guan v. Ellingsworth Res. Comm. Assn.* - arbitration  
*Williams v. State* - sentencing framework  
*Sharma v. State* - plea, gain time, time to be served  
*Ford v. State* - sentencing  
*George v. State* - postconviction relief  
*Stewart v. State* - sanctions, pro se filings

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